

P R O C E E D I N G S

ENVIRONMENTAL PROTECTION AGENCY
ASARCO PUBLIC HEARING
RUSTON/NORTH TACOMA STUDY AREA

COPY

Tacoma Community College Theater
5900 South 12th Street
Tacoma, Washington

BAYSIDE REPORTERS
4041 Ruston Way
Suite 1-D
Tacoma, Washington 98402

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TRANSCRIBED BY PAMELA J. FRANZ
October 1, 1992

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CORRECTIONS/CLARIFICATIONS STATEMENT

10/01/92 TRANSCRIPT OF RUSTON/NO. TACMA PUBLIC MEETING

pg 5 line 2 to it should be through it
pg 6 line 16 had should be met
pg 8 line 11 we would should be they would
pg 9 line 1 protected should be protective
pg 10 line 14 assignments should be sites
pg 11 line 22 doesn't should be does
pg 13 line 11 First should be Pierce
pg 15 line 12 way should be Study
pg 22 line 20 of cities & towns should be and the City & Town
pg 23 line 12 is should be are
pg 24 line 18 delete have
pg 25 line 6 Have we had should be will we hold
pg 25 line 7 meeting should be meetings
are required should be inserted after meetings
pg 31 line 24 insert Ms. Peterson before that's
pg 33 line 15 modern should be water
pg 34 lines 8, 15
& 20 Ms. Pirzadeh should be Ms. Peterson
pg 36 lines 20
& 25 Divali should be Davoli
pg 37 lines 6,
14 & 21 Divali should be Davoli
pg 38 lines 5,
11 & 17 Divali should be Davoli
pg 39 line 9 group should be gutter
pg 48 line 12 matters should be metals
pg 48 line 14 levels should be metals
pg 49 lines 10
& 11 "we've found children with behavioral and
learning problems" should read is that
exposure to lead can cause learning and
behavioral disabilities.
pg 53 line 23 to clarify Ms. Peterson's statement - EPA pays
her "check" but will ask ASARCO to reimburse the
agency for her work on the project.
pg 56 line 3 commentaries should be commentors
pg 65 line 7 not should be now
pg 69 line 2 tapped should be capped
pg 70 lines 22
& 23 (b)(6) should be (b)(6)
pg 87 line 1 just should be don't
pg 92 lines 16
& 17 they take should be leachate
pg 95 line 24 gown should be down
pg 97 line 2 insert be held between not & liable

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BOARD MEMBERS IN ATTENDANCE:

Michelle Pirzadeh, Community Relations Coordinor
 Piper Peterson, Project Manager
 Tod Gold, Assistant Regional Counsel
 Bruce Cochran, State Department of Ecology

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1 The Asarco Public Meeting of the Environmental
2 Protection Agency convened at the Tacoma Community
3 College Theater, 5900 South 12th Street, Tacoma,
4 Washington, on the 1st day of October, 1992, at 6:40
5 p.m., Ms. Pirzadeh presiding.

6
7 * * * * *

8
9 MS. PIRZADEH: I think we'll go ahead and get
10 started. Sorry for the delay, we had quite a few people
11 still coming in.

12 My name is Michelle Pirzadeh and I work as a
13 community relations coordinator for EPA. And on behalf
14 of EPA, I'd like to welcome all of you this evening and
15 thank you for coming to the meeting. We're happy to see
16 such a good turnout and hopeful that you'll have some
17 questions and comments for us this evening.

18 Before we get into our agenda, I'd like to take just
19 a couple minutes to cover a couple of housekeeping-type
20 items. As you came in the door, there were agendas and
21 some handouts. The two I think you probably want to
22 have, at least for the meeting, is the blue agenda as
23 well as the copies of the overhead slides that we'll be
24 using tonight, in case you'd like to jot down some notes
25 and some questions that you'd like to ask us, and we'll

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1 get to the question-and-answer portion.

2 Also, if you would sign up on the sign-in sheet, that
3 would ensure that you're on our mailing list so that
4 you'll get additional information about where we're going
5 and our activities and how the process is proceeding.

6 There's also a second sign-in sheet for you to sign
7 up if you'd like to submit a public comment this evening.
8 And if you didn't do that already and you decide, during
9 the course of our meeting, that you would like to present
10 a comment, we'll take a little break and you'll have time
11 to sign up on that during the break. Really, the purpose
12 for doing that is so that I can gauge how many people
13 would like to make a comment, to make sure that everyone
14 has an equal opportunity to speak.

15 Also, I'd like to just let everyone know that we have
16 a court reporter here this evening. She'll be taking a
17 transcript of the entire meeting, such as we did at the
18 meeting we held on September the 1st. And the transcript
19 of the meeting will become part of our permanent record,
20 and it will be found in the information repositories that
21 we usually keep for people who would like to review it or
22 somebody that might not have been here this evening and
23 would like to see what went on.

24 What I'd like to do is move into our agenda and, as
25 you can see, we've prepared some brief presentations for

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1 1 you. What we'd like to do is present that information
2 2 and ask you to hold your questions until we get to it.
3 3 We'll try to not make it last too long. Then we'll open
4 4 it up for general questions and answers and, as I said,
5 5 take a break and we'll come back and take public comments

6 6 So I'm going to start here with an overhead slide
7 7 that I think is a pretty important one. And I'm going to
8 8 ask someone in the back, (b) (6), if you could
9 9 dim the lights for me so that we can see these a little
10 10 bit better. Thank you.

11 11 What I've got up here is a list, and again, this is
12 12 in one of your handouts so you can take it with you and
13 13 have it as a reference. I think this is important
14 14 because these are resources for you to be able to use and
15 15 get information from us. So I'd like to take a moment to
16 16 run through them.

17 17 The first item on the list is community liaison.
18 18 About three years ago, EPA hired a community liaison and
19 19 his name is Clayton Johnson. He is one of the people
20 20 that greeted you at the door. And he has an office in
21 21 Ruston where he is three days a week and is available to
22 22 answer questions or talk to you about your concerns, that
23 23 kind of thing. And I would encourage you to make use of
24 24 his time. His name and phone number appear regularly on
25 25 our fact sheets and you can meet him at the break and

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2 1 also visit his office.

2 As many of you are aware, we publish regular fact
3 sheets and brochures, such as that are out on the counter
4 tonight for you to pick up. We try and provide regular
5 information so that you can keep up-to-date on what's
6 going on.

7 We have about ten local information repositories that
8 are always listed at the end of our fact sheets so that
9 you can visit to find more detailed information, copies
10 of the technical reports that we put out that have some
11 of the maps that you see with the detailed sampling
12 results on them.

13 We have a community work group that we've been
14 meeting with for about three years now, about once a
15 month. During the last two public comment periods that
16 we've called, we haven't had quite as much to give those
17 people an opportunity to come here and I think a few of
18 them are here this evening.

19 That group has really focused on dealing with issues
20 that have come up as we've moved towards getting to this
21 proposed plan that we're going to be presenting to you
22 tonight. The purpose of us being here tonight is really
23 to describe to you our preferred alternative for cleanup,
24 and also to take your questions and hear comments. And
25 those people in that group have been very helpful in

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getting to this point. And we plan to continue with the group. If anyone is interested in that, I'd encourage you to talk to one of us after the meeting or during the break so that we can take your name and address.

We've done some community interviews where we've met one-on-one with citizens and try to better understand their concerns so that we can do a better job with our information as it involves the public. And also open houses. Some of you attended some of our past meetings where we've had just general, informal format so that we could chat with several people and ask questions.

We hold a public comment period similar to what we're doing right now. So those of you that aren't aware, we are in a public comment period now until October the 17th. And our proposed plan, as well as the alternatives that we presented to you in the past, are available for public comment right now.

Public meetings such as this evening and, again, I think it's critical and important that so many of you are here tonight so that we can hear from you. And then we also take many requests for information and questions, just over the telephone. We have a toll-free number that appears on our fact sheets. And we're happy to talk to you over the phone if you have a quick question.

What I'd like to do now is take a minute and talk to

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2 1 you about the kinds of comments that we received during
 2 our first public comment period. Some of you may have
 3 participated in that by attending some of our meetings
 4 that happened in March of this year. The comment period
 5 was from February 17th through April 17th. And we heard
 6 comments from many people and things were brought up at
 7 the community meetings.

 8 To summarize, these are the general categories that
 9 the comments fell into. And I'll spend a minute
 10 describing what they were.

 11 We heard from people that we would like to see
 12 additional sampling. I think, out of the last meeting
 13 that we had and out of some of the information that we've
 14 sent out, people felt like additional sampling needed to
 15 be done to identify specifically which properties would
 16 require cleanup. And as you'll see in Piper's
 17 presentation, that is a major component of our proposed
 18 plan.

 19 We also heard from many of you, that you suggested
 20 that we vary the remedy. That you might recall that
 21 we've had six alternatives or really five alternatives,
 22 one of them was no action, that we looked at as a basis
 23 of comparison. And what we tried to do in our proposed
 24 plan was to hold elements of those various alternatives
 25 that we thought addressed many of the concerns that we've

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heard, and that also met our goals for being protected.

People had comments about disposal, and not just the larger question of disposal but, on a more personal level, they were having projects in their yards and wanted to know what they could do with the soil. And as you'll see in the proposed plan, if you had a chance to take a look at it, there is an element there for a community soils disposal program.

We heard from people that they wanted to make sure that we planned to work with them. And one of the components in our proposed plan is to make sure that we are working with homeowners, and I'm going to go into that in a little bit more detail. But to work with you to make sure that you are comfortable with and understand what we're proposing to do and if it impacts your yard.

Some of the time frames in the alternatives that we looked at initially, you may recall, were somewhat long. And we heard from many people that they'd like to see us shorten up those time frames. So we proposed a couple of options in our proposed plan to do that, and we hope to hear your comments on those.

We also heard from people that they did not want to have deed restrictions placed on their property, and we heard that from many people. And we're not proposing deed restrictions as part of our preferred alternative.

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3 1 And the last item there, property values, I'd like to
2 come back to that because I think that's an important one
3 and I just have a couple more other things to cover
4 first.

5 But the property value's issue is something that we
6 heard from many people and recognized that it was a
7 significant concern, so we've done some outreach efforts
8 to address that issue.

9 But before I get to that, I want to put something up
10 here that we're calling our general principles. As a
11 result of the public comments, we went back and reviewed
12 them and tried to look at how can we address these in our
13 preferred alternative. And EPA has nine criteria that it
14 uses at all Superfund assignments to evaluate the
15 effectiveness of cleanup remedies.

16 In this particular case, we thought that, based on
17 the public comments we received, we wanted some
18 additional guidelines. And we came up with these five
19 general principles, which you'll see again in Piper's
20 presentation, which I think are a main theme of our
21 preferred alternative.

22 First, is to remove the contaminated soil.

23 Second, is to minimize community protection measures.
24 And again, as I mentioned, deed restrictions was an
25 example of community protection measures that we had

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3 1 talked about in the past.

2 We also have tried to, by meeting the first principle
3 of removing contaminated soil, minimize the need for
4 long-term monitoring and maintenance requirements that
5 might be placed on the property that an owner would have
6 to comply with. So we're trying to minimize the use of
7 those.

8 We saw a need to reduce the uncertainties for
9 homeowners. And through doing some additional samplings,
10 so that people could know specifically what the
11 concentrations were for their properties, as well as
12 trying to work with homeowners to make sure that they're
13 comfortable with what's going on. We tried to address
14 that and that was in our preferred alternative.

15 Again, to reduce the cleanup time frame. As I
16 mentioned, many people wanted to see this take shorter
17 periods of time and, hopefully, we'll hear from you on
18 our suggestions of adding possibly more work crews, that
19 type of thing, to reduce the overall time frame.

20 And finally, to minimize the disruption that this
21 would cause people. And as many of you have probably
22 reviewed, our preferred alternative doesn't call for
23 excavating soil out of residential yards. And so we want
24 to look for ways to do that where we minimize the
25 disruption that that may cause the homeowner.

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3 1 As I said, I want to come back to the issue of
2 property values for just a moment. Many of you have
3 called us, and some of you have written to us that some
4 of your realtors and bankers and so forth have called
5 with concerns about buying and selling property in the
6 study area. People have called with concerns about, do
7 they have to tell people that their property is
8 contaminated, that kind of thing.

9 So we saw a need, and we heard from you that there
10 was a need, for some educational efforts. We started to
11 realize that many people didn't understand or didn't know
12 about some of the policies that EPA has in relation to
13 this issue.

14 So we thought there were three major points that we
15 needed to let people know in our outreach efforts. And
16 those were: we needed to let people know what our
17 proposed cleanup activities were, to give them some idea
18 of what direction we were heading, and again, to try and
19 relieve some uncertainties.

20 We also needed to let people know that EPA has a
21 policy that says, we do not intend to hold residential
22 homeowners liable for the the cost of cleaning up their
23 yards.

24 And finally, disclosure of the conditions of their
25 yards, so that people would know what they're purchasing

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and sellers would be letting people know that.

So what we did was a variety of outreach efforts, and I'll run through these quickly. We developed an informational brochure, and copies of that are available out at the counter, to let people know again, the policies. And I think that's been very helpful for, particularly for lenders and real estate agents, to have an understanding of that.

We interviewed representatives of a variety of professional organizations. We talked to, such as, the Tacoma First County Board of Realtors and Multiple Listing Service, those types of associations, to find out from them directly what their concerns were, since they were working in that business as professionals, and that helped us direct these effort that we needed to take.

One of the things they told us is that we needed to deal with the federal lending agencies, that there were concerns about people being able to get loans if the federal lending agencies wouldn't buy them. And so we've written letters to those agencies and asked for their assistance in dealing with this issue.

We provide speakers for, again, a variety of professional organizations. And if anyone here has questions or interest in that, you can talk to one of us after and we can set something up.

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4 1 And then finally, we come to the joint seminar with
2 the Town of Ruston and the City of Tacoma and the
3 Washington Department of Ecology, back in June. And we
4 had about a hundred attendees that came to hear about
5 EPA's policies towards residential homeowners, as well as
6 the new lender liability rules.

7 I'd like you to understand what those policies were.
8 And I think that was pretty well received. From the
9 conversations following that we've had with people that
10 came to that, lenders and real estate agents and so
11 forth, I think that transactions that are going on, we've
12 heard information and people telling us that the things
13 have picked up.

14 If that's not the case and people have concerns in
15 their own particular situations, I'd encourage you to
16 talk with one of us after the break.

17 What I'd like to do now is turn this over to Piper
18 and let her talk to you more specifically about the
19 elements of our proposed plan. And when she finishes, we
20 will open it up for questions.

21 MS. PETERSON: Hi, my name is Piper Peterson and
22 I'm the project manager for the site of the Ruston/North
23 Tacoma cleanup. And I'm glad to see so many of you here
24 tonight. I'll run through my presentation, and please
25 hold your questions and we'll be glad to take some

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4 1 questions afterwards.

2 I think it's important, again, to start here on
3 general principles. The reason that it's important is
4 because we really used the comments that you gave us last
5 time to develop these guidelines to help us then select a
6 preferred alternative. And we hope to use, continue to
7 use these and tonight's public comments, and the public
8 comments or all of the public comments that we've been
9 receiving through the last 40 days or so here. And we'll
10 use the things that you say tonight, to add to the
11 general principles, to then help us select a remedy for
12 cleaning up the Ruston Way area.

13 Things that you've said, that you wanted all of this
14 contamination removed from your town, from your
15 properties and from your neighborhoods. So that's our
16 primary goal. You see in our "primary components," that
17 the principle component of the preferred alternative,
18 that sampling is a very critical element.

19 You didn't want a lot of controls or guidelines or
20 things regulating your lives, so we decided that
21 minimizing community protection measures was going to
22 have to be a goal, and that we would have to remove more
23 soil, probably, to meet that goal.

24 You also weren't sure of what we were doing. A lot
25 of you still are uncertain, and you're not sure that you

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1 want us in your yard, and you're not sure what we're
2 going to do to your yard. So to minimize your
3 uncertainty is very important.

4 Michelle talked about you calling us or writing us
5 and we've been speaking with a lot of you. I think that
6 helps, and we will continue to work one-on-one with you
7 all.

8 The time that the cleanup is taking, both in the past
9 and how long it may take in the future, has been a real
10 concern. So again, minimizing the cleanup. I'll
11 highlight an area where particularly, we need some
12 public comments on: scheduling the cleanup and on trying
13 to decrease this time frame. If there's a specific idea
14 that you can think of while I'm speaking here tonight,
15 please let us know.

16 Then also, that follows with minimizing the
17 disruption, both in your lives, in your communities, and
18 in your neighborhoods. So I think those are important to
19 remember. They're on the first pages of your handout
20 and I'd like to keep referring back to those.

21 Before I go on, I'd like you to look at the study
22 area map, which also is in your handout. I saw quite a
23 few of you looking at the maps outside, and I would like
24 to refer you to -- there's a map on this side in the
25 lobby that has both arsenic and lead contamination sample

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4 1 points on them. So if you don't know if your property's
2 been sampled or you don't know if somebody in your
3 neighborhood has been sampled, you can look out there.
4 If you need any help interpreting the maps, just let one
5 of us with a name tag know.

6 This is the Ruston/North Tacoma study area, which
7 most of you are probably familiar with, either through
8 the newspapers or something that was sent to your homes.
9 Just to orient you all, this study area is denoted by
10 this dotted line and it says "study area" on the outside
11 here. Within that, there's a gray area, a shaded area,
12 as that's come to be called.

13 Everything is still within the study area. I get
14 several phone calls a week saying, Why aren't these
15 people in the study area, and they are. If you're within
16 the dotted line, you're within the study area. If you're
17 in the shaded area, what that means is that properties
18 that have been sampled, of which there have been
19 approximately 500 within the study area. The shaded area
20 tells EPA, Ecology, that the probability of having
21 contamination in your yard is higher than the properties
22 outside of the shaded area.

5 23 What it doesn't tell us is that every property within
24 the shaded area has contamination and every property
25 outside the shaded area does not have contamination.

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5 1 If we don't have a soil sample from your yard, we
2 2 really don't know anything about your yard. We can make
3 3 best educated guesses, based on scientific data,
4 4 statistical methods and that type of thing. But we
5 5 really do need a sample to be able to tell you whether
6 6 you have contamination. I'll put this map back up as I
7 7 talk about the components, the sampling component. But
8 8 let me put those first.

9 The major components of EPA's preferred alternative
10 are sampling, excavation, replacement and revegetation of
11 soils. Also, the removal of slag driveways or small slag
12 areas in the rockeries; asphalt capping in dirt
13 alleyways, dirt parking lots; community protection
14 measures, and disposal measures for the contaminated
15 soil. And we start back at the top.

16 Again, if you want to know what the contamination is
17 and you want the contamination removed, that's the first
18 principle. So we've adopted -- we propose to sample the
19 property. Remember the shaded area? We're proposing to
20 sample every home or piece of property that falls within
21 the shaded area. Because again, EPA believes that those
22 properties are more likely to exceed our cleanup action
23 levels.

24 What are those? For arsenic, we're proposing to
25 clean up 230 parts per million of arsenic and above, and

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for lead, 500 parts per million and above.

So if you're inside the shaded area, we're proposing to sample everybody's property. If your outside of the shaded area, but still within the study area, in that white boundary, we're either going to propose to look at our old data that we have, to see if there's some exceedings of those action levels, and either resample or not. And then if any of you with whom may want their property sampled, can call and request sampling be done.

Then once we determine where the contamination is, sampling will be done to identify to a level of 18 inches. Once we've identified where contaminated property or contaminated soils are, we'll then excavate.

The plan calls for excavation, replacing any soils which were removed, and then revegetating and regrading and making sure your yard looks the way it did before the cleanup began.

This is also true for, as I said, slag driveways will be removed and replaced with gravel, is what we're proposing. And then the areas that I mentioned, on dirt driveways, the many dirt roadways, dirt parking lots, those will also be sampled. If contamination is found, we're proposing that those areas be capped over with an asphalt cap. If contamination is not found, for example in a parking lot, then we're proposing not to asphalt cap

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5 1 that over.

2 One thing that the plan does not call for is for
3 sampling underneath roadways or underneath sidewalks or
4 underneath homes. The route of exposure that we're
5 worried about is ingestion and direct contact. So if
6 those have a cap over the top of them already, we're not
7 as concerned about people and children having direct
8 contact with those soils.

9 Another thing -- Okay. So looking back at this map,
10 within the shaded area, we're going to sample everybody;
11 outside, we're not proposing to do that.

12 Something else that I needed to point out is that for
13 soil removal, if soil contamination is found below, for
14 example, six inches or ten inches, we're proposing to
15 just remove the amount of contaminated soil that we find.
16 If contamination is found below 18 inches, EPA is
17 currently proposing to remove 18 inches of soil and
18 replacing it with clean fill. Because we know we may
19 have contamination below 18 inches, what that clean fill
20 will be considered as a cap.

21 We're proposing that there be a geotextile membrane
22 or a piece of fabric so that, visually, you will know
23 that there may be contamination below there, and then cap
24 material which will look just like your yard with grass
25 and bushes and that type of thing.

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5 1 If all of the contamination is removed from your
2 property, there will be community protection measures,
3 but in the form of just general education. The reason
4 for that is because we're removing contamination which
5 exceeds, in this case, levels of 230 parts per million
6 arsenic and 500 parts per million of lead. But the
7 levels that will remain in the property exceed the
8 typical urban background, but aren't really necessarily a
9 risk. So general education of what to do in your yards
10 and that type of thing.

11 But if contamination does exceed 18 inches, that will
12 be considered a cap. And that gets me to my next slide,
13 community protection measures.

14 As I said, the study area-wide education will be for
15 the whole surrounding area of Ruston/North Tacoma on an
16 annual, biannual basis. If contamination does remain,
17 we're proposing minimal use of long-term protection
18 measures. We don't want to restrict people's behavior in
19 their yard and that type of thing. So perhaps you're all
20 familiar with the Tacoma-Pierce County Health Department
21 guidelines for currently, if you're digging in your yard
22 or if commercial people are disturbing soil in the area.
23 Along those lines is what the education would be
24 comprised of. Maintenance and monitoring, if we have a
25 cap in your yard, it would be important that we make sure

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6 1 that the cap stays that way.

2 Many of you are familiar with the Expedited Response
3 Actions in parks and playgrounds that have been cleaned
4 up in the area. We drive by routinely, just to make sure
5 that people aren't driving on them or disturbing the
6 soils, the clean soils.

7 Also, we're proposing to develop some guidelines for
8 commercial development, residential development, so that
9 when contractors go in to dig soil deeper than 18 inches,
10 they know how to work in the soil and lower the
11 exposures. They know how to handle it.

12 Also, something that's very important and I get a lot
13 of calls on is that people want to know whether their
14 property has been sampled. So we're proposing to develop
15 a data base so that people that do have caps on their
16 property, or even for people who have clean property, if
17 they sell their home as new property, that they are aware
18 of what's been done in the past. They can give us a call
19 and we'll have that on the data base. Asarco will have
20 copies of cities and towns.

21 As Michelle Pirzadeh mentioned, we heard very loud
22 and clear last time that deed restrictions were not
23 something that anybody favored in this community, so
24 those are not being proposed.

25 If people would like factual information about the

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6 1 fact that we've removed soil or what actions have been
2 taken on property, we can provide that for you so that
3 you can give that to a future homeowner. But we're not
4 proposing to place anything directly on your deed.

5 So once we have removed all of the soil and some of
6 the slag from the community, what do we do with it?
7 Temporarily, we're going to have to put it somewhere in
8 the community because we can't dig a person's yard and
9 put it in a truck and move it off of the community all in
10 one day. So we're proposing to temporarily stage things,
11 but only on a very, very short-term basis.

12 Overall, currently, these soils in your yards is
13 considered a state dangerous waste. Because of that,
14 Asarco has applied for an exemption in the state
15 dangerous waste regulation. The public comment period
16 for that has been concurrent with this public comment
17 period, but it closed last Friday. So the state
18 currently is going to review public comments and decide
19 whether soils can be exempted under their state law and
20 not be considered dangerous waste under the law.

21 But because currently it is considered dangerous
22 waste, the preferred cleanup plan proposes that an
23 off-site facility, and currently one in Arlington,
24 Oregon, meets the criteria for disposal of this soil
25 because it is a dangerous waste.

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6 1 If a dangerous waste exemption is granted for soils
2 greater than 230 parts per million, then there may be
3 some other soil storage facilities that open up that may
4 be in the state, or they may be able to use a -- not a
5 hazardous waste facility in Arlington, Oregon, but a
6 nonhazardous waste facility that will cut costs and that
7 type of thing.

8 So where do we go from here? Currently, we're in a
9 public comment period that closes next Saturday on
10 October 17th. Not this coming Saturday. This is the
11 second of two public meetings that we held. The first
12 one was on September 2nd at the same place. And after I
13 finish speaking, we'll let you ask questions and we'll
14 take a break. And then we'll let you give us your formal
15 public comments about what you think about EPA's
16 preferred cleanup plan.

17 At the end of October, we begin writing our
18 Responsiveness Summary. Many of you have are aware that
19 we held a previous public comment period February through
20 April. We received quite a few public comments from you
21 then, so we'll look at those public comments as well as
22 those that we are receiving in this 60-day public comment
23 period. And we write up a formal document called the
24 Responsiveness Summary, which is available to the public.
25 But I'd like for you to know that we've responded to your

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question, your current questions, and gave you an answer.

At the same time, we also will be able to write the Record of Decision, which selects a cleanup alternative or a cleanup remedy for Ruston/North Tacoma. And that's public. We release it to everybody.

Have we had another public meeting?

No. No, more public meeting.

And then in 1993, we're hoping to get the Record of Decision done. In December or January, we'll begin the design work. So we hope to see some things going on in the community then, in 1993. And if you can think of any way to speed things up or, again, any way that -- where you want us to work. Do you want us to clean up the highest properties first? Do you want us to clean up on a neighborhood-by-neighborhood basis? Do you want us to divide the community into zones? And do you want us to work 24 hours a day with lots of work crews, or would you rather us work between 8:00 and 5:00, which may be more similar to your work schedules, so that we don't disturb you?

I am getting comments on that. I'd like to hear some more. So with that, I'll turn this back to Michelle. And thank you all for coming tonight.

MS. PIRZADEH: Okay. What we've got, as we've both said a couple of times in the agenda, from now until

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7 1 about 7:45 is just to take your questions. What I would
2 like to do is have this be interactive. Since we have
3 quite a good-sized group, I'm going to ask that people
4 raise their hand and let me know that they'd like to ask
5 a question, and I'll try and call on you in the order
6 that you've raised your hand, so that we can make sure
7 and give everyone an opportunity.

8 And then following that, if you have a comment, if
9 you have a statement you'd like to make or an opinion
10 about the preferred alternative, I'm going to ask you to
11 hold those until the second half of the meeting and,
12 after we take a break, I'll call people up to do that.
13 Okay?

14 I'm also going to introduce you to Tod Gold, who is
15 our attorney for the project. I'm going to ask him to
16 come up and sit here with Piper and help us address your
17 questions.

18 So who'd like to begin?

19 QUESTION-AND-ANSWER PERIOD

20 UNIDENTIFIED SPEAKER: I've got a couple of them
21 here. The first real quick one is, can you prove a
22 health risk in the Ruston/North Tacoma area?

23 MS. PIRZADEH: Okay.

24 UNIDENTIFIED SPEAKER: Can you prove a health
25 risk there?

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7 1 UNIDENTIFIED SPEAKER: Could you repeat the
2 question, please?

3 MS. PIRZADEH: Sure. He asked if we could prove
4 a health risk in the Ruston/North Tacoma area.

5 MS. PETERSON: We do know that we have exposures
6 and we know that, because we have urinary arsenic data
7 from 1975 or so to currently. I just got some urinary
8 arsenic data from the Tacoma-Pierce County Health
9 Department that is currently conducting a volunteer --
10 I'm looking at my counterpart who represents that.

11 MR. PAYTON: You can volunteer.

12 MS. PETERSON: You could voluntarily say that
13 you want your urine or your children's urine tested, and
14 it's got some results back.

15 So we know that there's exposure to arsenic in the
16 community and the people are getting arsenic into their
17 bodies because it's showing up as urinary arsenic.

18 UNIDENTIFIED SPEAKER: I'm sorry that's not my
19 question. My question is, can you prove a health risk in
20 Ruston/North Tacoma?

21 MS. PETERSON: I'm going to have our
22 toxicologist --

23 UNIDENTIFIED SPEAKER: Has this question
24 changed? I'm quite familiar that you haven't been able
25 to prove one for the last two years on this, so I was

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7 1 just curious if there's new information out that we are
2 dying down in Ruston/North Tacoma from arsenic poisoning?

3 MR. GOLD: No, you're not dying.

4 UNIDENTIFIED SPEAKER: Okay. Thank you.

5 MR. GOLD: What we do in the Superfund program,
6 in fact at all of our sites across the country, is
7 demonstrate whether there's a potential risk to human
8 health. And we believe we've done that in Ruston/North
9 Tacoma, because we know that there are contaminants in
10 the soil. We've found elevated levels of arsenic and
11 lead. And based upon what we know about the toxicity of
12 those contaminants and based on our predictions of
13 whether people may be exposed to those contaminants
14 through ingestion, we've demonstrated the risk, and we
15 believe we have the authority to take this cleanup
16 action.

17 UNIDENTIFIED SPEAKER: Okay. That's -- I just
18 wanted to know if you had come up with any new data over
19 the last two years, whether or not there was a proven
20 health risk. And obviously, there's not.

21 The second question that I have is, when I was at the
22 real estate meeting with the realtors and the appraisers,
23 apparently our county tax assessors misunderstood what
24 was said in that meeting, or possibly I did.

25 When I was talking to many of the appraisers there

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7 1 from the Seattle and Tacoma area, they said that it would
2 be detrimental to our property values there because of
3 the fact that if this cleanup does happen, or I guess
4 once this cleanup does happen, that we're going to be
5 having a lot of trucks flying in and out of the
6 neighborhood and whatnot and all this disturbance, so
7 that that would be depreciating our property.

8 Is this what you folks understood or --

9 MR. GOLD: We have not heard that. If that's
10 true, I'd like to hear that directly from the appraisers,
11 whoever is giving you that opinion. We haven't heard
12 that.

13 UNIDENTIFIED SPEAKER: You didn't hear that at
14 the meeting?

15 MR. GOLD: No.

16 MS. PIRZADEH: Okay. This gentleman right here?

17 UNIDENTIFIED SPEAKER: Yeah. I've got a friend
18 who works for Century 21 and he says that they don't even
19 mess with people that are in the Ruston area, that are in
20 the cleanup area. He says he doesn't even deal with
21 people who live in that area. So you know ...

22 MS. PIRZADEH: I guess his question, for people
23 who couldn't hear it, or statement was that he knows
24 someone who works for Century 21 who says that they don't
25 deal with people that live in the area, I guess, who are

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7 1 trying to purchase or sell property in the area.

2 Again, you know, in that particular case, if there's,
3 you know, a particular agent or that group of people that
4 need more information from us, we'd be happy to provide
5 it. But beyond that, I don't know what else we can do.

6 Yes?

7 UNIDENTIFIED SPEAKER: When you say you're going
8 to clean up and remove so much soil, we own an older
9 house there that's got, you know, 70-, 80-year-old trees.
10 How are you going to remove a bunch of soil without
11 killing all of the mature -- I mean, when you say
12 revegetate, just like I see all over this area, they cut
13 down hundred-year-old trees and they plant a stick.

14 You can't cut down a hundred-year-old tree and plant
15 a stick and call it revegetating. How are you going to
16 keep from destroying, you know, very old, mature
17 plantings? I mean, that's an old area and a lot of stuff
18 that's growing there is old, mature stuff.

19 MS. PETERSON: I think that gets to our third
20 principle, and that is reducing the uncertainty of
21 homeowners and working with property owners and that type
22 of thing. And we need to know about the trees that you
23 want to save, the prize rose bushes, that type of thing.

24 Because of the spaces that are involved, it won't all
25 be bulldozer work. There will be some hand digging.

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8 1 That's something that we can do around roots of trees
2 like that.

3 Another good thing is that this isn't the first
4 community that we've had to do some soil cleanup in
5 people's yards. The Bunker Hill community and the
6 Kellog, Idaho, community has done this. And they were
7 sceptics at first, but we've been able to successfully
8 remediate yards, do some hand digging, preserve plants
9 and that type of thing. We've made some mistakes, but
10 we've learned some good lessons, so that we don't have to
11 repeat them again in your community.

12 So that's what I mean about working one-on-one.
13 Maybe moving a vegetable garden, somebody put a house in
14 and the sun's not in the right spot. Those are types of
15 things that we want to work out with you.

16 MS. PIRZADEH: Okay. Over here, ma'am. Did you
17 have a question?

18 UNIDENTIFIED SPEAKER: Did I hear you say that
19 you were going to check all of the alleys in the study
20 area or just the alleys in the gray area?

21 MS. PIRZADEH: Her question is whether or not
22 we're going to test all of the alleys within the study
23 area or just the ones that fall in the shaded area.

24 That's actually a good question. Based on property
25 owners' requests, we'll sample your property outside of

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8 1 the shaded area.

2 Who owns the alleyways? That would be the city or
3 the town, so they're technically the property owner. I
4 guess nobody's asked me that before. I haven't thought
5 about that.

6 If that's something that you would ask us, to sample
7 a particular alleyway, we could ask the city if that's
8 okay. But we do need the property owner's permission to
9 do that.

10 UNIDENTIFIED SPEAKER: Who would I need to ask
11 about that?

12 MS. PIRZADEH: Just a moment. I've got several
13 people.

14 Sir?

15 UNIDENTIFIED SPEAKER: Okay. My question, I've
16 heard all of this about property owners and the dirt in
17 their yards. What about the actual place that caused all
18 the contamination, that's where my question comes from.

19 I live down in the marina and slag is my neighbor.
20 The smelter is right there, and you say you're going to
21 bring the smoke stack down, and I say how?

22 MS. PETERSON: So you want to know how we're
23 bringing the smoke stack down?

24 UNIDENTIFIED SPEAKER: I want to know what
25 you're going to do so that if I feel it's not under a

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1 good situation, I can be gone someplace else.

2 MS. PETERSON: Sounds like you're mobile. You
3 probably have a good view of the bay.

4 Demolition is a separate project from tonight. I
5 will answer your question. And if anybody would like to
6 speak with me after the meeting or in the break about
7 demolition, I'd be happy to answer your question.

8 Currently, the stack will be demolished in about
9 mid-November. I'm not going to commit to a day because
10 the Agency and Asarco has done that too many times. As
11 we get closer, we'll give you a specific day.

12 We're proposing to dynamite it, but to telescope it
13 down on itself, so that it doesn't fly apart, just
14 collapses in an orderly way into a trench that will be
15 built at the base of it, with a modern capsulation system
16 that will be, hopefully that will be here any day, and
17 that will help us out for dust control.

18 UNIDENTIFIED SPEAKER: I'm a little skeptic of
19 the system.

20 MS. PETERSON: Okay. Then we'll keep you up to
21 date.

22 MS. PIRZADEH: Actually, the woman next to you,
23 do you still have a question, ma'am?

24 UNIDENTIFIED SPEAKER: Yes. Is there any list
25 of property owners that are asking you on their property

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8 1 from Ruston? I live there, I have yet to see anyone that
2 wants you to touch their property.

3 Is there any available list for us, as citizens?

4 MS. PIRZADEH: As to who wants their property
5 sampled and who doesn't?

6 UNIDENTIFIED SPEAKER: Right. Well, actually,
7 who wants their soil removed.

8 MS. PIRZADEH: Actually, that's confidential
9 information. I can tell you that about half of the
10 people that I received comments from have requested that
11 their properties be sampled and have urged us to quickly
12 get the contaminated soils out of their property.

13 UNIDENTIFIED SPEAKER: Half of the Ruston people
14 have said that?

15 MS. PIRZADEH: No. No. Half of the people that
16 I receive comments from. You know, I receive dozens --

17 UNIDENTIFIED SPEAKER: But are your comments
18 from people within the proposed area or are they from
19 outside, in other areas of Tacoma?

20 MS. PIRZADEH: I haven't checked addresses, but
21 I just quickly glanced at them, and 98407's are within
22 the Ruston/North Tacoma study area.

23 UNIDENTIFIED SPEAKER: So what numbers? If we
24 can't have the names, what numbers are there of people?

25 MS. PIRZADEH: When EPA writes its

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8 1 Responsiveness Summary, that Piper mentioned, and also
2 2 that we can find it in the Proposed Plan Document, which
3 3 is available out at the counter, a summary of public
4 4 comments that we received during the first public comment
5 5 period. And you can look at some of that and see what
6 6 people had to say.

7 7 When we write the Responsiveness Summary we will give
8 8 more specific information and say, we received this many
9 9 letters or comments in support of this or against this.
10 10 That type of thing.

11 11 But you know, we can talk to you more in detail and
12 12 look through the comments and give you more indication of
13 13 what we have so far. But we really aren't prepared to
14 14 give you numbers this evening. Okay?

15 15 UNIDENTIFIED SPEAKER: I would just like to know
16 16 how many, because I don't ever meet anyone or see anyone.
17 17 They don't want you there.

18 18 MS. PIRZADEH: This gentleman over here. Sir,
19 19 did you still have a question?

20 20 UNIDENTIFIED SPEAKER: Yeah. I was wondering
21 21 what the long-term health effects were for the arsenic
22 22 and lead poisoning, if it was over the 230 or 500?

23 23 MS. PETERSON: Well, arsenic, some of the
24 24 long-term effects are skin cancer and some cancers of
25 25 some other internal parts, organs.

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1 For lead, they are behavioral effects that we see in
2 children, primarily.

3 MS. PIRZADEH: This gentleman right here? I am
4 keeping track of who has been waiting.

5 UNIDENTIFIED SPEAKER: If you would know, that
6 part of your testing, on the part of the children, and
7 that there was some evidence that they had been affected
8 by arsenic and lead in urinary tests. How many were
9 tested and how many were found to be contaminated, so to
10 speak?

11 MS. PIRZADEH: We have our toxicologist of EPA
12 and she's been working on the staff for about ten years.

13 I think you might want to repeat the question.

14 MS. DAVOLI: I would like to answer that
15 question.

16 The question was how many children have been -- had
17 their urine tested for arsenic; is that what you asked?

18 UNIDENTIFIED SPEAKER: In our area.

19 UNIDENTIFIED SPEAKER: And lead.

20 MS. DIVOLI: In our area and lead.

21 There hasn't been a recent lead test for a very long
22 time, many years. I mean, that hasn't been done for a
23 long time. There's been urinary arsenic tests done --

24 UNIDENTIFIED SPEAKER: How many?

25 MS. DIVOLI: -- since the early seventies. The

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1 most recent one is since the smelter shut done. I'm
2 thinking it had about -- maybe 40 children in it. I
3 don't know if that -- I can't remember.

4 Do you remember exactly?

5 MR. PAYTON: I think it was around 40 or 50.

6 MS. DIVOLI: Forty or fifty, something like
7 that. And certainly, at least in the teens, had levels
8 that were higher than what are considered to be, you
9 know, the normal background or average. And possibly,
10 it's more than that. And that was after the smelter
11 closed.

12 UNIDENTIFIED SPEAKER: How many were found to
13 have this problem?

14 MS. DIVOLI: I think -- Well, at least I think
15 there were like, 13 percent of 40, so whatever that is of
16 50. Whatever that is.

17 So of the children that were selected, it turned out
18 to be about 13 percent.

19 UNIDENTIFIED SPEAKER: And you never tested
20 adults that lived there all of their life?

21 MS. DIVOLI: Well, adults were tested previously
22 in some other studies, but some of them were elevated.
23 But the reason we focused on children is because children
24 were -- We're most concerned about children's exposures,
25 because they tend to take in more soil and dust, just

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9 1 because they mouth toys, they put foods in their mouths.
2 And if you'd expect to see elevated urinary arsenic,
3 that's where you'd expect to see them, in children rather
4 than adults, unless you were an adult who did a lot of
5 activity outside.

6 UNIDENTIFIED SPEAKER: And so far, those are all
7 opinions really, right?

8 MS. DAVOLI: All of the whats are really?

9 UNIDENTIFIED SPEAKER: I mean, what the tests
10 and results are really.

11 MS. DIVOLI: Well, if you had urinary arsenic
12 results since the early seventies, and they've
13 consistently shown high levels in children, in some
14 populations of children.

15 UNIDENTIFIED SPEAKER: You said 13 percent of
16 40?

17 MS. DIVOLI: I'm saying that in the most recent
18 study that was done after the smelter was shut down. If
19 you look at the studies that were done from the early
20 seventies, since the smelter shut down, there is
21 definitely a higher percentage of children which have an
22 elevated urinary.

23 There was one more study done after the smelter shut
24 down and, in that study, the percentage of children were
25 seen to have some elevated levels was lower, but there

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1 were still children there that seemed to have elevated
2 levels.

3 MS. PIRZADEH: The gentleman way in the back, do
4 you still have a question?

5 UNIDENTIFIED SPEAKER: I have a question on
6 sampling. I have a house there at (b) (6).
7 It is now not in the shaded area. I got a report that it
8 was 181 parts per million arsenic.

9 The house is a large home. A large group of water
10 has never been piped out. It just runs on the ground. I
11 kind of think that in the areas around the house itself,
12 it would be more contaminated than the outlying yard.

13 I was wondering if that has been considered in taking
14 samples, where you are taking samples on the yard?

15 MS. PETERSON: Can everybody hear his question?
16 That he has a flat roof --

17 UNIDENTIFIED SPEAKER: Not a flat roof.

18 MS. PETERSON: Well, a roof, a large roof with
19 no rain gutters?

20 UNIDENTIFIED SPEAKER: The water --

21 MS. PETERSON: The water comes off the roof and
22 onto the ground. His yard was currently sampled and it's
23 not part of the shaded area and it was 181 parts per
24 million. And he's wondering if we've taken into
25 consideration that maybe the rain water washes the

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9 1 arsenic off the roof and down around the house.

2 We're currently trying to work through the details of
3 developing a sampling design program right now. That is a
4 question that we've heard before, that rain gutters, rain
5 spouts or just off of the roof.

6 Again, we're going to be looking for a study that
7 represents the yard, but also working with a homeowner.
8 If you have a six-year-old who always plays in one corner
9 and there's no grass there, those are the types of things
10 that we need to know.

11 If you're concerned about the rain gutter, we may
12 have to do some samples to see if typically there is
13 elevated samples around the rain gutters or rain water
14 that might fall off the house. If there isn't, then we
15 might have to, by sampling, a sample from that area. If
16 there is, for my part, we do have to borrow some samples
17 from that area.

18 See, that's a design consideration that we're in the
19 process of working out right now, but I appreciate your
20 comment.

21 UNIDENTIFIED SPEAKER: Will you learn anything,
22 from working on the shaded area, about it?

23 MS. PETERSON: I think we'll learn things, both
24 from the shaded area and in the non-shaded area.

25 UNIDENTIFIED SPEAKER: A possibility of greater

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contamination in certain parts of the yard?

MS. PETERSON: I think that we will. The one thing that we --

UNIDENTIFIED SPEAKER: But that's what we have, by recourse.

MS. PETERSON: The one thing that we've noticed with the Remedial Investigation sampling, which I referred to in my presentation, and about 500 samples of Ecology and EPA that they took both in 1988 and 1990, one thing that we've found is, in general, we have higher concentrations of contamination closer into the stack and the smelter area. And then they decrease as you move out west and south from the facility.

Also, at the surface area of the properties, you have higher concentrations of contamination, and those decrease with depth. That's in general.

But then as you start looking at a yard-by-yard basis, you find that there's vast differences. You can look in our shaded area and see that we've got no contamination in the shaded area and some yards with higher contamination outside the shaded area. The reason for that is people roto-till their yards, people brought in topsoil, people have remodeled and moved soils all over the place.

If it had been a totally untouched area, just homes

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1 with people living on it for the last hundred years, I
2 think we'd see our trend of lower contaminate levels
3 removed away from the smelter, lower contaminate levels
4 as we got deeper. But because we're all human and and we
5 do lots of things in our yards, it really has to be a
6 yard-by-yard basis, we're finding.

7 MS. PIRZADEH: Okay. The gentleman to the
8 right, sir, do you still have a question?

9 UNIDENTIFIED SPEAKER: Well, I don't know. I
10 just felt that Piper mentioned that you wanted the soil
11 removed.

12 My question to her is, is that a presumption or did
13 you actually ask? Or as this gentleman seems to
14 indicate, we have a right to do it; we're EPA, we're
15 going to do it, and to hell with everybody?

16 MS. PIRZADEH: I think one comment that I'd like
17 to make on that is that we're asking now, and everything
18 that we have talked about tonight is a proposed plan.

19 UNIDENTIFIED SPEAKER: Okay.

20 MS. PIRZADEH: It's EPA's preferred alternative.
21 And based on all of the studies that have been done and
22 the information that's been collected, our guidance and
23 what our regulations guide us to do, this is what we're
24 proposing. And we're asking for your comments. And if
25 you have strong opinions about that, I would suggest

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1 that, you know, we're taking a transcript of the meeting
2 tonight and we'll be taking a break where you can give us
3 your comment and your comment right there will be noted.

4 But again, it's important to keep that in mind.
5 That's what the purpose of the meeting is tonight, is to
6 get people's comments. But as Piper said, we have heard
7 both sides of the issues. Some people have said yes,
8 they'd like to have it removed, and others have said no.

9 Yes?

10 UNIDENTIFIED SPEAKER: Yeah. I've noticed, down
11 along the waterfront, they've removed all of the railroad
12 ties. Are they going to let them sell those railroad
13 ties to unsuspecting people? Because you know, kids will
14 get on those ties or around them or ...

15 MS. PIRZADEH: I'm going to ask Bruce Cochran
16 from the State Department of Ecology to come down and
17 join us, to speak to us on that, because I know that he
18 has some information on that.

19 MR. COCHRAN: We did have an opportunity to take
20 a look at those ties they had on --

21 UNIDENTIFIED SPEAKER: Use the mike.

22 MR. COCHRAN: At the time that those ties were
23 being removed, we had an opportunity to take a look at
24 what the condition of the ties were, how they were
25 handled and how they were taken out.

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1 In a nutshell, there was material that contained
2 arsenic on it. However, we took a look at the potential
3 problem, from the ties themselves and the creosote and
4 the other materials that were in it, and those were far,
5 far, far more hazardous than the levels of arsenic that
6 were left.

7 UNIDENTIFIED SPEAKER: So are they still going
8 to be able to sell them?

9 MR. COCHRAN: They are out on a place off of
10 River Road in Puyallup. And to be more specific, the
11 answer is yes.

12 UNIDENTIFIED SPEAKER: Do they have to tell
13 people that they're contaminated, then?

14 MR. COCHRAN: I don't know of any requirement
15 that says that they do.

16 MS. PIRZADEH: The gentleman right here?

17 UNIDENTIFIED SPEAKER: Do you need any
18 volunteers to help out?

19 MS. PIRZADEH: You're asking if there are any
20 volunteers that can help out, in terms of the cleanup
21 activities?

22 UNIDENTIFIED SPEAKER: Yes.

23 MS. PIRZADEH: I guess that I can maybe partly
24 address that.

25 I don't think we're really to that point yet, in

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0 1 terms of workcrews and that type of thing. Because as I
2 mentioned, all of the things that we're talking about are
3 proposed activities. But maybe Piper can address --

4 MS. PETERSON: Typically, when you do work in a
5 Superfund area, there's a 40-hour training that's
6 required by construction workers and people like myself
7 who are actually on the site. So in terms of that type
8 of thing, you have a 40-hour training. If you were hired
9 by a contractor or subcontractor, you would be able to do
10 work that way.

11 In terms of volunteers in the community, there's
12 definitely going to have to be a sense of community
13 education for that work that goes on. We're going to
14 have, probably we would have both Asarco and EPA have
15 booths that were staffed by personnel from EPA and Asarco
16 answering questions, having hot lines, those types of
17 things.

18 So it's not something that we've thought about in
19 this area, but it's an interesting idea, trying to get
20 information from the community and that type of thing.

21 MS. PIRZADEH: Okay. I've got a few people
22 waiting, and I'm trying to get to this gentleman.

23 UNIDENTIFIED SPEAKER: This summer, I had an
24 occasion, I had to remove some topsoil from my yard. And
25 had to get barrels to put it in.

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0 1 MS. PIRZADEH: Can I ask you to speak up just a
2 little bit, please? Oh, you can't. Do you want me to
3 bring you a microphone?

4 MS. PIRZADEH: You said you're moving the soils,
5 the topsoil from your yard and you got construction
6 barrels?

7 UNIDENTIFIED SPEAKER: I got the barrels. Then
8 I went out and bought some topsoil to replace it with.
9 It happened to be out on River Road that I bought it.

10 My question is, how do I know I'm not removing the
11 warm soil and replacing it with hot? In other words, are
12 those landscaping places licensed to check or anything
13 like that? In other words, it's conceivable that I'm
14 getting hotter topsoil than I took away.

15 MS. PIRZADEH: Okay. His question is, he
16 removed some soil from his yard and he put in clean
17 topsoil, or that he presumes is clean.

18 And you're asking if people that sell topsoil or fill
19 dirt, if those people are licensed or if that dirt is
20 tested; is that what your question is?

21 UNIDENTIFIED SPEAKER: Yeah.

22 MS. PETERSON: I do know that it depends on
23 where you get the dirt. And just by looking at dirt, you
24 can't tell if it's more contaminated or less
25 contaminated.

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1 I might not think that that's within the study area
2 because, as you know, Puyallup or something like that,
3 it's further away from there, further out.

4 The only real way that you're going to know is
5 actually by sampling some dirt.

6 UNIDENTIFIED SPEAKER: But what really puzzles
7 me is that I bought it out on River Road at a place that
8 probably sold railroad ties.

9 MS. PETERSON: Well, you pays your money, you
10 takes your chance. I don't know.

11 MS. PIRZADEH: Way in the back there, sir?

12 UNIDENTIFIED SPEAKER: Me?

13 MS. PIRZADEH: Yes, you. I'm sorry.

14 UNIDENTIFIED SPEAKER: I have two questions I'd
15 like to ask. Then I'd like permission to make some
16 comments.

17 The first one --

18 MS. PIRZADEH: I'll take your two questions, and
19 then we'll wait for after the break for your comments,
20 because I've got other people who want to ask questions.

21 UNIDENTIFIED SPEAKER: Basically, what's
22 supposed to be the big problem with arsenic? What does
23 arsenic do to the public?

24 MS. PIRZADEH: I'm going to ask Dana Davoli to
25 address your question.

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1 MS. DAVOLI: I keep hearing the same question
2 come up over and over again. And I think the question
3 is, why are we concerned about the arsenic and lead
4 levels here? Maybe what I should do, if I may, is spend
5 a few minutes talking about it.

6 Is that your question, sir? Is that your question?
7 If I answer the question, why are we concerned about the
8 arsenic levels --

9 UNIDENTIFIED SPEAKER: I've been around here 44
10 years and I'm wondering.

11 MS. DAVOLI: Okay. You know, when we look at
12 the soil and the contaminants and various matters
13 immediately around the smelter, and we looked at about 13
14 different levels. And of the 13 that we looked at, we
15 were concerned about two of them, given their
16 concentration and what we know about the toxicity, and
17 that's arsenic and lead.

18 Your question is, why are we concerned about arsenic
19 and lead, and Piper talked about that a little bit. The
20 actual arsenic and lead, unlike most of the chemicals
21 that I work with in the environment, we have a lot of
22 human information.

23 For arsenic, we have people who have been exposed to
24 arsenic in smelters and the only -- we have people who
25 have been exposed to arsenic in medicines, in drinking

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1 water. And basically what those exposures have shown is
2 that exposure to arsenic, and if you are exposed to a
3 large enough level, it can cause effects. But that's not
4 what we're concerned with.

5 What we're really concerned about is effects, like
6 the impact on types of cancer of the lung, skin cancer
7 and cancer of internal organs.

8 Lead, our concern there has to do with, it can pass
9 from the blood down to the live organs. But with regards
10 to the community, what we're concerned with, we've found
11 children with behavioral and learning problems. Okay?

12 So the question is, why are we concerned. We're
13 concerned because we have obtained data from other places
14 saying that arsenic and lead are a problem. Now, they
15 take place -- in many cases, have higher exposures than
16 what we see here and are often like the studies here in
17 the community. But when you look at the studies in the
18 community, and we do have some community studies here,
19 but we don't have community studies to address those
20 types of concerns that we're seeing with respect to
21 arsenic and lead in other communities.

22 We don't have studies on skin cancer, we don't have
23 studies on many terminal cancers, we don't have studies
24 on learning disabilities. We do have some studies on
25 conducted effects, on lung cancer, and those studies in

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11 1 general have said: we don't see a large effect here. If
2 there is an effect, it's small.

3 I think there's something to say about health studies
4 in a community and I think maybe an analogy is, if you
5 had a glass of water and you weren't sure whether or not
6 there were virus or bacteria in there that were going to
7 cause you some harm, if you look at the glass of water
8 with a magnifying glass, you won't see those bacteria.
9 And to help fight this is sort of that way. It's like
10 looking at a magnifying glass, they're not very
11 sensitive. They can't pick up -- They can pick up, like
12 huge cases due to smoking, large increases due to sun,
13 skin cancer. But they can't pick up small, minute cases.

14 So what do you do? We're left with looking at what
15 is the potential risk here in another way, and what we do
16 is look at what we call risk assessment. When we're
17 doing a risk assessment, we look at the levels of
18 exposure to the community, by looking at the levels of
19 arsenic and lead and various media, and estimate what
20 people's exposures might be.

21 In this community, the exposures we're most concerned
22 with are basically people touching soil and putting it
23 into their mouths, children and adults. And that is the
24 lab, to a certain extent, those are the major groups that
25 we're concerned about.

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1 When we look at exposure and we tie that exposure
2 data into these types of exposure data that we have from
3 other studies around the world, we can estimate what the
4 risk would be in this community. And again, the risks
5 that we're the most concerned with are skin cancer and
6 also some terminal cancers from arsenic and then, also
7 from lead, learning defects and behavioral effects in
8 children.

9 And I have to be very honest with you, is that when
10 we estimate exposure and we do these risk assessments,
11 there is a lot of uncertainty and we tend to be
12 conservative. That is, we're trying to estimate
13 exposures, so that we're getting exposure to the people
14 who may have the highest exposure. We're not looking at
15 the average because we want to make sure that when we
16 cleanup, we protect as many of the people who are out
17 there in the community as we can. Okay?

18 I guess the only final point that I would want to say
19 is that when we calculate that risk number by looking at
20 numerous assessments, we then compare it to what Tod was
21 mentioning, EPA has laws and regulations. And if that
22 number is above what our regulations say is sort of an
23 acceptable risk, then our law says we need to do
24 something about it. And that's where we are here and
25 that's how we made that decision.

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1 UNIDENTIFIED SPEAKER: My second question.

2 MS. PIRZADEH: Okay. Go ahead.

3 UNIDENTIFIED SPEAKER: My second question: How
4 many smelter workers have you examined? The smelter is
5 an old, old plant.

6 Along with that, I'd like to say, we have people that
7 are 90 years old that have worked down there. We have
8 people -- we have some that -- Two men that I know of
9 worked there for 50 years. They had a lot of men that
10 worked there 30, 40 years and ...

11 MS. DAVOLI: Well, what I'd really like to say
12 is that there have been several studies on this smelter
13 and other smelters in this country and in the world,
14 showing that workers who are exposed to arsenic, they
15 have elevated levels of lung cancer. I myself have not
16 looked at workers, but that's what those studies show.

17 I guess, in response to your issue that you have many
18 people you know who worked at the smelter who don't have
19 lung cancer, I think that I could also say that I know
20 many people who have smoked and haven't gotten lung
21 cancer either. So I don't think that you can use that as
22 a way to judge. I mean, there have been studies showing
23 elevated risks of lung cancer in the smelter.

24 MS. PIRZADEH: Did you still have a question
25 here?

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1 UNIDENTIFIED SPEAKER: I'm just wondering, if
2 EPA enacts their preferred alternative here, what is your
3 rough estimate on how much that is going to cost to the
4 taxpayer?

5 MS. PIRZADEH: Okay. She's asked, if we go with
6 the preferred alternative as it is, what's an estimate of
7 what's it going to cost to the taxpayer, is her question.

8 MS. PETERSON: The current estimate for the
9 cleanup is between 60 and 80 million dollars. And the
10 high end of that is if the soil is taken to Arlington and
11 disposed of in the RCRA waste facility, and the low end
12 is if the soil is not disposed of at a hazardous waste
13 facility.

14 MS. PIRZADEH: Could you address the issue of
15 the taxpayer and who would pay for that?

16 MS. PETERSON: The taxpayers don't pay for this
17 cleanup. Asarco is the responsible party who is doing
18 the cleanup, and that's who will be paying for it.

19 UNIDENTIFIED SPEAKER: Who's paying your check?

20 MS. PETERSON: Pardon?

21 UNIDENTIFIED SPEAKER: Who's paying you?

22 MS. PETERSON: Asarco pays my check.

23 When we negotiated with Asarco for the cleanup with
24 us, we negotiated the past costs. I fill out a time
25 sheet every week with how many hours I work at the site,

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2 1 and those are negotiated costs with the company at all
2 Superfund sites.

3 If Asarco is not willing to pay for the cleanup,
4 there is a large fund called Superfund. But then we go
5 after the company and see if we can get the money back to
6 reimburse that part of the money that we negotiated for
7 the Superfund site.

8 MS. PIRZADEH: Okay. I can take just a couple
9 more questions. Right here?

10 UNIDENTIFIED SPEAKER: What is the probability
11 that Asarco can block or at least substantially delay
12 your plan?

13 MS. PIRZADEH: Maybe Tod could address just the
14 various options that EPA has in implementing the cleanup
15 at Superfund sites in general.

16 MR. GOLD: There's three ways to implement the
17 cleanup. One way is for Asarco and EPA to reach an
18 agreement for Asarco to conduct the work. And that's
19 what happened with the demolition work. We've had
20 negotiations and Asarco agreed to perform the cleanup.

21 If that doesn't work, EPA has the authority to
22 unilaterally order Asarco to perform the work. And
23 Asarco has the right to refuse to do it and then we might
24 need some litigation.

25 The third option is, as Piper mentioned, that we just

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1 don't -- EPA actually performs the work. EPA hires the
2 contractors. And later on, after the cleanup has been
3 conducted, we can send the bill to Asarco and we can talk
4 to Asarco about how much they're going to pay.

5 MS. PIRZADEH: Okay. We can take one more
6 question, right here.

7 UNIDENTIFIED SPEAKER: Do you have a set agenda
8 with Asarco or do you have an agreement with Asarco? Are
9 you dropping a step in what you are going to do?

10 MR. GOLD: Yes. What we have is a Consent
11 Decree in place for not only the demolitions set, but for
12 demolition of 70 buildings on the site.

13 As a requirement under that Consent Decree, Asarco
14 has been submitting work plans on how specifically
15 they're going to do the demolition work. And EPA has
16 been reviewing that and proofing the work plans.

17 When Asarco actually performs that demolition work,
18 EPA will have oversight people on the site to watch them.

19 MS. PIRZADEH: What I'd like to do at this
20 point, as we've got on the agenda, is take a quick break.
21 Let people that have decided that they would like to
22 present a comment go ahead and sign up on the sign-up
23 sheet, if you haven't done so already. And we'll come
24 back at about ten minutes to 8:00 and people that have
25 signed up to give comments, I'll call up and you can

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2 1 present your comment.

2 If we have more time after that, if we don't have a
3 lot of commentaries, we'll go ahead and open it up for
4 more questions for the balance of the meeting.

5 So restrooms are on the side of either isle of the
6 drinking fountain, and we'll come back to this meeting in
7 about ten minutes.

8 (Meeting at recess.)

9 MS. PIRZADEH: Okay. I have 14 people that
10 signed up that would like to present a comment to us this
11 evening. And so what I'm going to do is, I'm going to
12 ask that everyone try to keep their comment to just about
13 two minutes, in the interest of making sure that everyone
14 gets an opportunity, and so that also I can ask at the
15 end if there is anyone else who's decided they'd like to
16 speak. I think that would give everyone a fair chance to
17 have their comment heard.

18 If you feel like you need more time than that, I
19 would encourage you to jot part of your comment down that
20 you feel like you didn't get to state and hand it to one
21 of us and we can take that as part of our record.

22 Just to explain real quick on how we will respond to
23 the comments that you're going to give us now, as we've
24 talked about this Responsiveness Summary, the comments
25 again will be taken as part of our transcript this

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evening and we will respond to the comments that you give us tonight as part of our Responsiveness Summary. And we publish that and it will go out with public information and it will probably also be summarized in fact sheets and that type of thing.

So I'm going to go ahead and just call people off of this list. And in the interest of having everyone be able to hear your comment, I ask that you come down on either side and use one of the microphones to give your comment, if you're comfortable with that.

* * * * *

PUBLIC COMMENT PERIOD.

MS. PIRZADEH: The first person is (b) (6).

(b) (6): I'd just like to make a couple quick comments for the general public knowledge. First off, the arsenic level that they're testing in our yards, that's within about 5 or 10 percent of what they let in our drinking water. So that's telling you how dangerous that dirt is. If we can drink that water with that amount of arsenic in it, I don't think that we're going to be eating as much dirt as we do drink water.

Secondly, the comment was made that we wanted them there. The general public here doesn't want Asarco there. We are being held hostage by the EPA -- Or excuse me. Not Asarco. They don't want the EPA there.

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1 We're being held hostage by the EPA and the rulings
2 that they've made on the property. It has been
3 devastating to me, as a business person down there in
4 real estate. I have lost over \$50,000 already this year.

5 I would kind of like to know what they're going to do
6 with the park? If there are elevated levels in the park,
7 are they going to go in and dig up Point Defiance? What
8 about the Yacht Club? The Yacht Club sits on a slag.
9 The slag is said to be dangerous. Are they going to take
10 the Yacht Club off there and do something there? I doubt
11 it.

12 Last but not least, the alleys that they said that
13 they were going to sample and not cover them all, if
14 they're going to do this capping, they need to cover all
15 of the alleys.

16 It has been stated throughout these meetings that
17 there's hot spots within a yard. A yard can have five or
18 six, ten different levels of arsenic contamination within
19 the yard. If they're going to go after this, then they're
20 going to have to test every ten inches, every foot of
21 each alley, all the way wide, all the way long. If they
22 are going to do any capping, they should all be capped,
23 not just here and there.

24 Thank you very much.

25 MS. PIRZADEH: Thank you.

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1 (b) (6) ?

2 (b) (6) : Well, I just have a short
3 comment. And this is that I don't think that there's
4 been enough testing of residents that lived in this area
5 for a long, long time. I don't think there's been enough
6 testing of children.

7 I think that the assumptions that are drawn are based
8 on some computer model that gives good answers, but the
9 computer doesn't know anything.

10 That's all I want to say, is that I don't think there
11 has been enough groundwork done on any of this.

12 Thank you.

13 MS. PIRZADEH: Thank you.

14 (b) (6) ?

15 (b) (6) : My name is (b) (6) . I'm a
16 Registered Professional Engineer. I'm formerly a
17 Professor of Engineering at Oregon State University and,
18 for the past two decades, I've been involved in basic
19 research and applied research, both as an employee and as
20 a manager. And recently, I've been a private employee,
21 business consultant. I only say this because I want to
22 give credibility to my statements.

23 The EPA, it used to be a good organization when they
24 were based on scientific data, but now they are a
25 political organization based on emotion. In the

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3 1 scientific community, that I'm aware of, the EPA is a
2 discredited organization. Let me give you four examples:

3 Here in the Pacific Northwest, they talk about
4 dioxin. The amount of dioxin they say in the air is
5 equal to the size of a baseball in the King Dome. It is
6 so minute that they can't even measure it with their
7 instruments, but yet they enforce the industry to pay
8 millions of dollars to find that one little baseball that
9 they say is going to jump out of the King Dome, attack us
10 and kill us. It is foolish and discredited.

11 We all know about the Love Canal. Recently, they
12 came up with an article that said that they overreacted
13 in this situation and all of the work that they did at
14 the Love Canal was not necessary.

15 They forced the taxpayers to pay 160 billion dollars
16 to get rid of the asbestos in the paint in the
17 schoolrooms. And they do not have one single example of
18 anyone dying from asbestosis from the asbestos in the
19 ceiling on the schoolroom. How is that asbestos going to
20 come out of the ceiling and attack us? And if it's such
21 a major problem, people like myself who were raised in
22 homes that had asbestos, and all of you did if you're
23 over 40 years of age, why aren't you dying like flies from
24 asbestosis? Let the EPA answer that question.

25 They had a heavy metals problem up in the Gasworks

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3 1 Park in Seattle and the EPA came in and, after some
2 thorough investigation, they found out that the heavy
3 metals that they're talking here, that a child would have
4 to eat a ton of dirt in order to be infected with the
5 heavy contaminants in that soil. It was a political
6 thing, not a scientific thing. So I think that they are
7 a discredited agency.

8 As you have listened to their explanation, they do
9 not have a clear scientific answer on the problems with
10 the metals in the soil here. They have tested 50 people
11 for lead in their urine and they found six of them that
4 12 had levels above it. Did they check the ceramic dishes
13 that the people have? Are they aware that all of the
14 plumbing that we have has (inaudible word) in the
15 faucets? And are they aware that the houses built in
16 Ruston had plumbing that was made from lead in many
17 instances? Did they check that? No, they did not.

18 I called the EPA several times and spent a lot of
19 money trying to get scientific data from them on just
20 exactly what the problem is here in the Pacific Northwest
21 and in Ruston. And they do not have scientific data that
22 proves what they are saying. And in their sheets that
23 they passed out tonight, they said they had assumptions.
24 Now, anybody in research knows that if you make
25 assumptions, it doesn't give any credibility to your

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research or your statements. They're just assumptions.

MS. PIRZADEH: Sir, I'm going to have to ask you to conclude your comment to make sure everybody has an opportunity --

(b) (6): I will conclude my remarks.

UNIDENTIFIED SPEAKER: Let him speak, please.

(b) (6): Pardon?

MS. PIRZADEH: I'm just trying to make sure that everybody has an opportunity, that's all. We only have this facility for a certain period of time.

UNIDENTIFIED SPEAKER: We'd rather hear him speak.

(b) (6): The problem with this situation is, and the attorney said it: We'll do it, by God, no matter what you say.

We are taxpayers and they're going to spend our money. And I think what we need to do is to make damn certain that they do the research that's proper and scientifically approved and that it's right, in order to go ahead and do this. And they haven't done it and they must do it.

All these assumptions are just a bunch of baloney. And they're a heavy-handed outfit that's going to just cost us taxpayers billions and billions and billions of dollars, and that is such baloney. And the attorney said

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1 it right here: We're going to need to do it.

2 MS. PIRZADEH: Thank you.

3 (b) (6) ?

4 (b) (6) : One of the comments that I'd like
5 to make is that some of the -- I understand what this
6 gentleman said. But one of the things is that we have
7 very few things in this world today that are there to
8 help protect us. And maybe there isn't a lot of
9 scientific evidence yet, but how many people who are out
10 there are really trying to protect us? Usually it's just
11 the opposite and a lot of things get done and we're not
12 benefited by it whatsoever.

13 So perhaps some of the methods of the EPA are not
14 what we would prefer, but I at least like an organization
15 that at least is trying to help the people.

16 We live very close to the stack and one of the things
17 that I would like to say is that I would like to see that
18 for those especially that are close, when the stack comes
19 down, we need to know ahead of time what the dating is
20 going to be. We keep hearing things like, it's coming
21 down in October, it's not November, from people who work
22 at Asarco, and that they don't want any publicity about
23 it. So I think that, you know, these are probably maybe
24 rumors that this came from somebody that works at Asarco.

25 We need, as we live -- I mean, we live within a

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4 1 thousand feet of that stack. We'd like some protection
2 2 for our property, some covering, because this is -- I
3 3 don't care what anyone says, this is going to start some
4 4 kind of dust cloud of some kind. There's just no way a
5 5 stack of that size can just come down and there's
6 6 nothing.

7 I feel that maybe there should be some sampling of
8 the soil afterwards to make sure that we aren't being
9 contaminated again. And especially because we have --
10 The street in the front of us and the alley behind us is
11 dust. All we do is eat dust. Every time we move, every
12 day, our car is covered with dust.

13 I know that our soil is above the contamination
14 level, quite a lot, so what's happening with all this
15 dust that we're getting every single day from both the
16 front and the back? But no one has made any kind of
17 proposal. In fact, Asarco said that they were not going
18 to fix that road, period, when Ruston approached them
19 with it. And this is right, I mean, this is right beside
20 the stack.

21 So I know that a lot of people think that, you know,
22 I don't want my ground disturbed. This is a lot of
23 nonsense. But I don't know. I think I'd rather be safe
24 than sorry in the end.

25 MS. PIRZADEH: Thank you.

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1 Tom Aldrich from Asarco?

2 MR. ALDRICH: Good evening. My name is Tom
3 Aldrich. And I'm a site manager of Asarco for the last
4 couple of years. We will be submitting some detailed
5 comments to the EPA. But tonight, I just want to make a
6 few general comments about the proposed plan.

7 We're not at a point in the Superfund process where
8 decisions will be made about the residential study area.
9 Asarco has been paying close attention as EPA conducted
10 its studies in the residential area over the last several
11 years. As a long-standing member of the community,
12 Asarco understands everyone's frustrations of this
13 complicated and confusing regulatory process mandated by
14 EPA and Ecology.

15 Although EPA's proposed plan focuses on theoretical
16 risk to the area, I'd like to take a moment to report on
17 some of the health data, recent health data from this
18 community. Asarco has worked with the Tacoma-Pierce
19 County Health Department to fund a program where
20 residents within the EPA study area can voluntarily have
21 their urine tested to see what levels of arsenic are in
22 their bodies. Urinary arsenic monitoring is generally
23 accepted by scientists, including EPA scientists, as the
24 most reliable method for measuring the exposure to
25 arsenic.

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1 From March 1 to July 31st of this year, 44 adults and
2 children had their urine tested. All of their test
3 results were within the normal range and all but two of
4 the individuals had levels of arsenic so low that the lab
5 instruments couldn't detect if this was arsenic. This
6 information again underscores what previous studies have
7 concluded: that arsenic levels are continuing to decline
8 in the community and that there is no public health
9 threat from the arsenic here.

10 As many of you know, Asarco has thoroughly reviewed
11 all the data available about arsenic and all the studies
12 of risk assessment that have looked at Ruston and North
13 Tacoma. There's no secret that we do not agree with EPA
14 on how a risk assessment should be done. EPA seems to
15 believe that the numerous public health studies that have
16 been done in this area are not important in making their
17 decisions on whether to remove the soil in this area.
18 Asarco continues to believe that massive cleanup of yards
19 in Ruston and North Tacoma is not appropriate.

20 Asarco believes that the most important project
21 underway in the community right now is the cleanup of the
22 smelter site. We are committed to cleaning up the
23 smelter site, and we'll begin demolition of the buildings
24 in the next few weeks. There are yards immediately
25 around the smelter with extraordinary levels of metals

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1 that need to be cleaned up. Asarco will take care of
2 that problem, also.

3 In the meantime, efforts should be centered in
4 getting the smelter site remediated and ready for future
5 development and not in planing how to tie up the
6 —community for years with a disruption of a massive soil
7 removal effort.

8 This entire investigation has resulted in EPA making
9 a policy decision. They are not considering scientific
10 facts and the hard data that actually exists, which tells
11 everyone that the Ruston/North Tacoma area is a healthy,
12 safe place to live.

13 Asarco believes that in-depth analogy information is
14 crucial and we urge residents to consider public health
15 studies, as well as risk information, in making a
16 decision on whether we think the cleanup is needed.

17 We hope that you will also review the details of the
18 proposed plan very carefully and think about the impacts
19 that this proposal might have on your day-to-day lives
20 for the next several years.

21 This policy decision is not just up to EPA to decide.
22 The law requires the government to consider residents'
23 opinions, and we encourage you to give your opinions to
24 EPA between now and October 17th.

25 Thank you.

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5 1 MS. PIRZADEH: Thank you, (b) .

2 (b) (6) ?

3 (b) : I own three properties that are
4 either barely inside the shaded area or else barely
5 outside the shaded area. I can't tell for sure at this
6 point, which is probably more my ability and concern for
7 this than your map.

8 But in any case, probably much to the amazement of
9 the EPA representatives tonight, I'm here to speak in
10 favor of the proposed plan from EPA. For a couple of
11 reasons, I am pretty well convinced that there is a
12 significant health risk there.

13 And number two, whether we like it or not, it
14 definitely does have a reflection upon the property
15 values. And the sooner we can remove the soils, in my
16 opinion, the better. So let's get on with it. Thank
17 you.

18 I also want to clarify, I am not a federal employee.
19 I do not work for EPA and never have, and I suspect I
20 never will. Neither does (b) (6) or any relative of
21 mine.

22 MS. PIRZADEH: Thank you.

23 (b) (6) ?

24 (b) : I have one property that we live
25 on, my house. And it's been tested at 250 parts per

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1 million, over 250. I think it was 278. And I vigorously
2 want my yard excavated and my soil tapped, vigorously.

3 I have three young children and three animals that
4 are in the dirt and into my house. It just retches my
5 stomach when I give them baths at night, wondering what
6 the soils that they've been playing in might do to them
7 in the future.

8 And I want to applaud EPA for their effort and I'm
9 glad they're there and I'm glad they're doing what
10 they're doing.

11 I also feel that it is better that we err on the side
12 of caution than to err on the side where the dollars and
13 cents come in. I think it's better that we take the
14 caution, that EPA takes the cautious road rather than:
15 Well, we'll just see what happens 20 years down the road.
16 I don't want to look at my children dying from cancer 20
17 years down the road.

18 Thank you.

19 MS. PIRZADEH: Thank you.

20 (b) (6) ?

21 (b) : I'm (b) (6). I'm a resident
22 of Ruston. I do believe in adequate testing, current
23 adequate testing, and I'm glad some of it has been done.
24 I don't want your children to die from cancer either.
25 But I have neighbors and some of them are mill workers

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6 1 and I've seen their children and they work their whole
2 life there and some of them are retired. It doesn't seem
3 to me that they're very sick.

4 Now, I know that that doesn't fit your criteria. But
5 I do believe that if EPA is going to do what they're
6 going to do, then I think they ought to go to Point
7 Defiance Park and take care of that, too. All of Tacoma
8 uses that, and I see children on their lawn a lot more
9 than mine.

10 I also think that they ought to round up the dock
11 worker and tell him, Hey, you better move your boats,
12 we're going to have to take care of this slag. What do
13 you think of that?

14 I just think you better look at what you say and what
15 you do, and do it fairly through that whole Point,
16 because I think it's taxpayer's wasted money. That's
17 what I think.

18 Thank you.

19 MS. PIRZADEH: Thank you.

20 (b) [REDACTED]. It doesn't have a first name, it's just
21 an initial (b) [REDACTED]. Is that person still here? No. Okay.

22 (b) (6) [REDACTED] ?

23 (b) (6) [REDACTED]: I'd like to applaud EPA for the
24 conscientious effort they have and put in an applaud for
25 removal on demand, and let me elaborate on that.

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6 1 I live at (b) (6). After 20 years, I
2 acquired some property there, which I've been growing
3 Christmas trees on and cultivating and working for about
4 15 years. And when I first started, I had the soil
5 checked for fertility and found that it was 80 parts per
6 million in a fairly random sampling and several samplings
7 eight inches deep. However, because of some requirements
8 across the road for development that required stripping
9 four inches off the top, I participated in the EPA study.
10 And I found that my level, at one point, is over twice
11 their limit. So consequently, I am concerned about what
12 has to be done there in the disposition of my property.

13 I've been told verbally that they would take care of
14 this in some sort of a meaningful way. Of course, that
15 won't stand up in court. I'd like to see that in some
16 kind of written form. Being a farmer, I am very partial
17 for preserving topsoil and it requires hundreds of years
18 to generate, and I've got trees 50 to 60, maybe 80 feet
19 high that would be very difficult to retain if they come
20 in and take off topsoil.

21 So my plug here is that, in terms of priority, to do
22 it on demand for those people that are concerned. Get
23 with them first and, as the need arises for other people,
24 as they try to dispose of their property, having problems
25 with realtors or with banks or whatever, that you can

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6 1 come in in a timely fashion and remediate it at no cost
2 to the homeowner or the resident. And hopefully, that
3 will alleviate a lot of the hysteria or whatever and a
4 lot of the cost in a no-win situation. And have an
5 opportunity for a regulated or a manageable removal
6 process and not get involved in the hysteria of trying to
7 move it all at once.

8 Thank you.

9 MS. PIRZADEH: Thank you.

10 (b) (6) ?

11 (b) I have none.

12 MS. PIRZADEH: You pass on that. Okay.

13 (b) (6) . Sorry if mispronounced your name.

14 (b) : My name is (b) (6) . I'm the last

15 (b) (6)

16 Well, I've worked as a plumber all my life, up to a
17 while, up until I went into the machine shop business.
18 So I was kind of around the mill. I was the first one to
19 run copper piping in Tacoma. In those days, we used lead
20 and solder.

21 I have had copper piping in my home for 40 years with
22 nothing, no reaction on my wife or kids or anything. So
23 a lot of this is bull, in my opinion. It depends on the
24 person and how they maintain their own health. I fought
25 for copper here and up in King County, so it was in both

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1 communities. A lot of this is blown way out of
2 proportion. But when it comes to the smelter, that's
3 another story.

4 I moved out to University Place. In 1950, I moved
5 in. I planted my lawn. That summer, that lawn was
6 burned out in one weekend. I got up one Sunday morning
7 and went outside, took one breath and started crying and
8 coughing at the same time. I called the smelter and I
9 got a real nice answer. So it wasn't just right around
10 the smelter that some of this stuff is going on.

11 Some of the plants down on the flats had arsenic up
12 in the beams. One time I was down there working on some
13 stuff and had to get up there to cut some stuff and set
14 it on fire (inaudible words). And so there's a lot of
15 things entering into it that's not being considered.

16 The other thing is, how much contaminated sludge, at
17 least as far as contamination determination, is scattered
18 all over the tideflats and all over the town that's being
19 used in driveways and stuff? Is there any tracing put
20 out on it? And what's the contamination on the spot that
21 is left? Is there any records on that from the smelter
22 or anybody else?

23 If you're going into a problem, you have to take the
24 whole problem. It isn't just one little area. Because I
25 have -- I leased a shop down in the tideflats in

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7 1 (inaudible word). They had tremendous amounts of that
2 slag and they dumped it all around there. Is there any
3 records on that? Does it contaminate the bay? Is there
4 any hazards there? These are the things that bother me.

5 Now, there is some non-deeded alleys in town. Is any
6 of that slag on that? We have no one up there on the
7 north end. True, the City goes through there and
8 everything, but they won't grade it. They didn't finish.
9 So I'm going to patch the hole, and I'm retired now, so I
10 guess it's up to me to kind of help in the area.

11 And I've raised the issue that the fire department
12 can't get through that alley now, because it's too narrow
13 on one end. The garbage trucks can come through, but the
14 fire department can't. But the utility trucks are
15 getting in there somehow to get to those poles. There's
16 a driveway right through there, but it's not needed. So
17 there's all kinds of things coming into this whole
18 program that I haven't heard mentioned.

19 The other thing is you're testing for arsenic over at
20 the schools and so forth and different areas, like over
21 to -- up in Ruston. Is anybody taking the time to test
22 the air in those buildings to see if there's any
23 contamination coming from something that's dust or
24 whatever in the building that's affecting the kids?

25 I find it's the same down at the County-City

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7
1 Building where people were being sick all the time in
2 different departments. You go in and check it out. Now,
3 I'm just a lay person. I used to go to the town meetings
4 down there with the council. You come off that tenth
5 floor and you're half groggy. You get down to the second
6 floor, there's people working in there, cleaning up and
7 so forth. I asked them, I said, Are any of you people
8 sick lately? Yeah, the whole crew is going to the
9 doctor.

10 They shut the ventilation off of a certain vent one
11 night and then you find out that they're monkeying with
12 the doggone air conditions in there, or the flow of air.
13 Put partitions up, put one on one side and return on the
14 other wall and so forth. So we're getting into all kind
15 of problems coming into this, whether you like it or not,
16 and don't forget it.

17 You go over to the hospital, you go up to get -- look
18 out there and here's a two-inch vent, two windows with an
19 open end. Plumbing vent, so sewer and gas can nicely
20 flow right into where they're testing you for your lungs.
21 It don't make sense.

22 We've had close government, but why wasn't it
23 followed? I'm going to have to trace that one out and
24 (inaudible).

25 But anyway, I'm not trying to raise a big issue, but

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1 the man up here said something about ties being
2 contaminated, I think.

3 Was I right on that? Were those ties taken out down
4 on Ruston?

5 MR. COCHRAN: The levels of contamination were
6 about equivalent to what is proposed to be left on the
7 site here.

8 (b) [REDACTED]: To be left on the site?

9 MR. COCHRAN: Yeah.

10 (b) [REDACTED] So they were okay for somebody to
11 use?

12 MR. COCHRAN: The contamination from the
13 creosote was worse.

14 (b) [REDACTED]: Well, we can live with creosote,
15 we've lived with it all our lives.

16 Thank you.

17 MS. PIRZADEH: Thank you.

18 (b) (6) [REDACTED] ?

19 (b) (6) [REDACTED]: My name is (b) (6) [REDACTED]. I am a
20 retired smelter worker. I put in 28 and a half years
21 there. I've been around arsenic for -- well, not
22 continually, but starting in the 1930's when we used
23 arsenic to dust our potato plants.

24 And in the smelter, I worked in the Roaster
25 Department that was next door to the arsenic plant. And

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1 I worked as a crane operator in a fine ore shed and I
2 made up many, many mixes of the arsenic mix they put out
3 through there.

4 I'm past 78 years old and nobody has ever found any
5 sign of cancer in me. And we have lots of men down there
6 that were way up in years and no cancer in them.

7 The last 12 or 15 years that the smelter operated,
8 the management didn't run the production part of it. We
9 had meteorologists in there, that's weather people, and
10 they checked the weather and if the weather was showing
11 bad, we shut it down until they said it was clear.
12 Nobody dared cross them and tell them that the plant had
13 to run. It just didn't run when they said so. Just held
14 the fires down to a minimum and that was it.

15 In 1950, an arsenic plant was installed next to there
16 and took the stuff that was going to the stack and ran it
17 through there and made arsenic. Somewhere's in the
18 sixties, an (inaudible) fruit plant was built and you can
19 tell what it is. It's on the Tacoma -- in the Tacoma
20 City limits. It's the far end of the plant there with
21 all those big pipes in there, and there would be a lot of
22 acid there.

23 One other thing, you know, plants like a smelter,
24 steel mills or that, they are dirty plants. And we have
25 to take the brunt of every criticism from the public that

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1 ever was known when we attempted, from the inside of the
2 plant, to organize and get that dust cleaned up in there.

3 We got shot down many, many times and they claimed we
4 were a bunch of communists. And I never had anything to
5 do with a communist or anything else, and I'd just like
6 to let you know that.

7 Also, there was a lead smelter many years ago at
8 Everett. The plant was gone and everything, and I
9 understand there was homes on there. Is the EPA now
10 going to go up there and move all them homes off that
11 property?

12 It looks to me that this is an overblown thing and
13 somebody's got a real grudge against the Asarco
14 Corporation. And with all this millions of dollars being
15 spent, now that's \$80 billion to clean up that soil over
16 there, apparently there's a movement behind there to see
17 if they can't break Asarco financially.

18 MS. PIRZADEH: Thank you.

19 Okay. I don't know about this one: (b) (6)

20
21 (b) (6): My name is (b) (6)

22 and I work for the (inaudible) and I go out and do stuff.
23 But what I'd like to see done is that we help the area,
24 the environment can be clean. Because my friends are
25 complaining to me that the areas that I'm playing in and

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1 if we get down there and a lot of people getting down
2 there, so I'd like to see a more cleaner and healthier.
3 And I hope that whatever you guys have to do, I hope it's
4 right.

5 Thanks.

6 MS. PIRZADEH: Thank you.

7 Those are all the people that signed up to give a
8 comment. Has anyone else decided that they'd like to
9 present a comment this evening?

10 * * * * *

11 QUESTION-AND-ANSWER PERIOD

12 UNIDENTIFIED SPEAKER: I'd just like to ask one
13 more question that everybody has brought up.

14 In that area, as in ours, we live on a dirt road with
15 a dirt alley. All the dust is generated from the dirt,
16 the dirt. It's from the roads. But you say that in
17 order to take care of the roads, you have to go through
18 the city.

19 But we've -- Years ago, I said, Why don't you pave
20 this street? And the city said, We don't have anything
21 to do with it. It's not a private road, we can't cut it
22 off, but we don't take responsibility for it, one way or
23 the other.

24 If you don't pave the roads, you might as well not do
25 anything, because the dust is coming from the roads. The

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1 yards are, most of them, covered with grass and sod and
2 plants for years and years and years. The dust is from
3 the roads.

4 If you want to do anything that will help, do the
5 roads. Leave people's yards alone, unless people want
6 it.

7 UNIDENTIFIED SPEAKER: I think that's a great
8 idea.

9 UNIDENTIFIED SPEAKER: Do the roads, cover the
10 ground. Cover the bare dirt.

11 MS. PIRZADEH: Any other comments?

12 Let me just -- Is there anyone else that would like
13 to give a comment this evening? But again, you will see
14 a response to it in the Responsiveness Summary that we'll
15 be preparing.

16 Did you want to add to your comment?

17 UNIDENTIFIED SPEAKER: Yeah. Is there -- This
18 is more of a question than a comment.

19 Would it be conceivable that EPA could send out a
20 post-card type thing for voting to each of the residents
21 that says, I want my yard cleaned up, check it, I don't
22 want my yard cleaned up, check it. And then, with
23 postage paid, they would send it back. Make one check
24 and then send it back and then post it in their mailbox
25 and send it back to you?

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1 MS. PIRZADEH: Well, I think I can respond to
2 that in part. And probably, since I think we've received
3 in comments, not that specific suggestion, but that idea.

4 One of the things that a couple of people have come
5 up and asked me, and I think one of the other EPA
6 representatives is, what if I don't want this? And as
7 we've tried to mention many times this evening, that our
8 proposed plan calls for working with homeowners.

9 I think something to keep in mind is that EPA, or
10 Asarco if Asarco does end up doing the work, we'd have to
11 request permission from the homeowner to sample their
12 property or to do work on their property. We have to
13 negotiate or work with you to get an access agreement.
14 So I think that's something to keep in mind, in terms of
15 you feeling satisfied that what we would be proposing to
16 do would be what you're comfortable with.

17 Our program really isn't set up to take a vote, as
18 you called it. I think, especially in this instance,
19 we're saying right now that we have an estimated area
20 that may require cleanup. But we can't even cite
21 specific property owners at this point, because we have
22 to do additional sampling as we proposed.

23 But I think, you know, right now it is a perfect
24 opportunity for us to hear from everyone. And we've
25 heard your comments and appreciate them this evening, as

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8 1 to what you think. And then we might deal with you
2 directly in relationship to your specific property, but
3 at a later opportunity.

4 UNIDENTIFIED SPEAKER: Why don't you take a hand
5 vote tonight and get some idea?

6 UNIDENTIFIED SPEAKER: That's a good idea.

7 UNIDENTIFIED SPEAKER: You know, at least you'd
8 get an idea, with our group, how many people are for this
9 drastic thing and how many people are against it.

10 MS. PIRZADEH: Well, again, I think that if
11 somebody has a strong opinion, if they're for or against
12 it tonight, I'd encourage you -- we've got, you know,
13 another 20 minutes to come up and make that comment.
14 Write us a letter.

15 You're telling me right now, I mean, I don't know if
16 you're telling me you're for or against it. If you have
17 a comment that you want to submit to us, now's the time.

18 So again, you know, if everybody wants to know what
19 other people think, you know, you guys can go ahead and
20 take a vote amongst yourselves. But that's not something
21 that we're set up to respond to.

22 UNIDENTIFIED SPEAKER: Isn't that what you need
23 to know to make this decision?

24 MS. PIRZADEH: We need to know what you think.
25 But I can't -- We need to know what you think, yes. And

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1 that's what we're asking for, we're asking for public
2 comments.

3 But everybody that might be impacted by this isn't in
4 this room, and so it wouldn't be fair for us to take a
5 vote and say, half of the people that came to the public
6 meeting on October the 2nd were for it and the other half
7 weren't, so we can make a decision based on that. It
8 affects a lot more people than that.

9 So we'll take a couple more. If there are some more
10 comments, we'll take -- For the next 20 minutes, we can
11 take some additional questions and then we'll have to
12 close the meeting.

13 Sir? I'd bring this up to you if I could reach,
14 but ...

15 UNIDENTIFIED SPEAKER: I can make it that far.

16 MS. PIRZADEH: Okay.

17 (b) [REDACTED]: I'm (b) (6) [REDACTED]. I taught
18 school here in Tacoma for about 20 years and I'm 80 years
19 old. The length of time that I have to worry about
20 arsenic is minimal.

21 We had a -- someone asked me what the effect has been
22 on me, if we noticed any effects since the smelter shut
23 down, and I says no. So as far as the arsenic is
24 concerned, I had to pay taxes, and so far as with the
25 sulfur is concerned is just (inaudible words) residents.

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9 1 But as far as you're concerned, I like to eat dirt.
2 2 My mother makes my sister go out in the garden and bring
3 3 me a clot of dirt. But that kept up until my sister
4 4 brought me one about the size of an ostrich egg, and that
5 5 cured me about eating dirt every day.

6 6 But I think, so far as the stack is concerned, they
7 7 should get orientation or get to the point of
8 8 orientation. And unless the dust gets so thick that I
9 9 can't see it, I can always find my way home.

10 10 I know a few people who have -- they like respect for
11 11 your money. They'll have to sit on this, they have a
12 12 better right to sit on the dirt.

13 13 Thank you.

14 14 MS. PIRZADEH: The gentlemen up there, go ahead.

15 15 UNIDENTIFIED SPEAKER: On the calls that you
16 16 receive, do you have any idea of how it goes, how many
17 17 want it and how many don't want it? Can you give that
18 18 information out?

19 19 MS. PIRZADEH: Of the calls that we have
20 20 received, how many people have said they have called and
21 21 said they wanted soil removal, versus how many people
22 22 called and said they haven't?

23 23 UNIDENTIFIED SPEAKER: Right. How many want the
24 24 system to go ahead and how many don't?

25 25 MS. PIRZADEH: Well, maybe Piper -- Well, either

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one of us, we both take a lot of phone calls.

Again, you know, generally people call up because they have a specific concern or they have something that they want to ask us, or for more information, that kind of thing.

Generally, I don't get calls from people saying, Gee, I think I want soil removal or I don't. Most of the time, that comes in our public comment letters and that type of thing, or meetings such as this.

You know, we get, again, people saying both things. Some people say they don't want this to happen and other people say that they think it's a good idea. Which I think is just what you heard here tonight, from the comments that people have presented. Some of you think this is a good idea and some of you don't.

And you know, I don't have -- Again, I think this question was asked earlier. We don't have a tally of how many people have called and said one thing versus another. But again, all of the comments we receive, we will respond to in the Responsiveness Summary, so that you can see what other members of the community have had to say.

Yes?

UNIDENTIFIED SPEAKER: You made a statement that the stack was, in your opinion, would go down probably in

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1 November. Isn't that what you said?

2 MS. PIRZADEH: I didn't make that statement.

3 UNIDENTIFIED SPEAKER: Well, whoever did.

4 MS. PIRZADEH: But somebody -- I think that is
5 the projected date.

6 Tom Aldrich from Asarco, is that accurate? October,
7 or excuse me, November is still the tentative time frame?

8 MR. ALDRICH: It's November, early December,
9 right in there. As I mentioned in my statement, that
10 we're going to get underway with the demolition
11 activities at the smelter here in the next couple of
12 weeks from now.

13 UNIDENTIFIED SPEAKER: I thought you said going
14 down in a couple of weeks?

15 MS. PIRZADEH: Okay. There's many other
16 demolition activities, I think is what Tom's referring
17 to.

18 This gentleman from the back here?

19 UNIDENTIFIED SPEAKER: Are you going to go ahead
20 with this project, from what you hear?

21 MS. PIRZADEH: I'm going to let him get his
22 comment in.

23 UNIDENTIFIED SPEAKER: I live in the study area.
24 To answer the lady's question, she said -- actually
25 wanted to know if I work for the federal government. I

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1 don't. I just work for the EPA.

2 One thing I did want to say is that I want to thank
3 Asarco for having the community neighborhood groups that
4 they've had to inform people in the study area.

5 I also want to thank the EPA and the EPA working with
6 Asarco, and both of them working with the community. I'm
7 fairly happy with what I see here.

8 If you look at the list of concerns that citizens
9 have about additional sampling, varying the remedy,
10 disposal of materials, working with homeowners, reducing
11 the time frames, deed notices and property values, I'm
12 pretty happy with what I see. So I want to say thanks to
13 both of you.

14 MS. PIRZADEH: Thank you.

15 UNIDENTIFIED SPEAKER: Would you answer my
16 question, please?

17 MS. PIRZADEH: Your question is, will we go
18 ahead with it, regardless of what we hear?

19 UNIDENTIFIED SPEAKER: Yes.

20 MS. PIRZADEH: EPA is serious about looking into
21 public comments. And actually, I think the gentleman
22 that just spoke, nicely presented that our preferred
23 alternative was put together primarily as a result of
24 public comments that we heard last time.

25 We had six alternatives that we proposed for 60 days

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9 1 during the public comment period, in the spring or the
2 winter and spring months. And it appeared that none of
3 those alternatives really met the kinds of comments that
4 we heard. So what we tried to do was put elements out of
5 those alternatives to address the community concerns that
6 we heard.

7 Again, once we get all of the comments, we will
8 review those and consider those to see if we need to make
9 modifications to our proposal, based on that.

10 UNIDENTIFIED SPEAKER: What you're saying is
11 that you're going to go ahead?

12 MS. PIRZADEH: No, I'm not saying that.

13 I'm saying that we are going to evaluate public
14 comments and that we've had to make changes to this
15 proposed plan, based on public comments.

0 16 I think that if you read the proposed plan where we
17 summarize the public comments that we received last time,
18 we've demonstrated that we did take public comments
19 seriously during the last public comment period, and we
20 intend to do that again.

21 Yes?

22 UNIDENTIFIED SPEAKER: I have to say that I've
23 lived in the north end, on (b) (6) for
24 approximately 22 years. Years ago, I can remember times
25 of not being able to go out of the house because the

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1 sulfur was so strong, as some other gentleman has
2 mentioned.

3 I also remember having to have my car rebuffed
4 because the sulfur pitted my car paint. I have aluminum
5 siding where it has bubbled on the backside facing the
6 smelter.

7 I wonder, because of this, what is in the soil that
8 in the years, through the years, is going to do that kind
9 of damage to me, to my children, to other children who
10 have lived in the area for a long time?

11 There are a lot of new people in the area who can't
12 really get in on this study. I mean, there's been a lot
13 of people move in and move out that aren't in -- can't
14 really be in this study, that I see.

15 And as far as the smelter and living to old age, I'm
16 very happy to hear about those that have made it. But
17 there are those that did not, that did come down with
18 emphysema and that did come down with lung cancer, and
19 I'm sure each and every one of you know one or two of
20 them.

21 Thank you.

22 MS. PIRZADEH: Thank you.

23 Yes?

24 UNIDENTIFIED SPEAKER: I'd like to know, is the
25 Everett smelter safe? People who have lived right on the

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0 1 smelter site for 45 years and raised families, and they
2 have arsenic of 230 thousand parts per million, I wonder
3 what analogies you've discovered up there?

4 MS. PIRZADEH: Well, the Department of Ecology,
5 the State Department of Ecology is working with Asarco on
6 that particular site.

7 I am personally not familiar with the information.
8 Maybe one of the others are and we'd be happy to get you
9 information on that. EPA is not in the lead there, the
10 Department of Ecology is.

11 But Asarco, as we understand, has agreed to do an
12 investigation up there and take some interim steps. And
13 we'd be happy to get you some information on that,
14 following the meeting.

15 UNIDENTIFIED SPEAKER: Well, what you've done
16 you've is made it -- If you're going to clean it up, if
17 you're not, you're not. Because what you've done in
18 between this period is to make it virtually impossible
19 for anyone to get involved in that area. You go and you
20 talk to somebody that wants to buy your house, someone is
21 interested in buying your house, you never hear from them
22 again.

23 And then I called, got a hold of them myself to see
24 what they're going through: Did you talk to a bank?
25 Yeah, I had a loan with them for 30 years, no problem.

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1 And they said, Yeah we can get you a loan, no problem.

2 As soon as you say it's in the shaded area -- I mean,
3 what's the shaded area? That's the contamination from
4 Asarco; absolutely not. Their supervisor -- Well, go
5 talk to my supervisor. You go and talk to the supervisor
6 and the answer is, We will not loan money on contaminated
7 property, period.

8 Three banks, I talked to last week.

9 MS. PIRZADEH: Okay. I guess if you would talk
10 with one of us after the meeting. As I said earlier in
11 my presentation, we've put on seminars and done other
12 things to work with banks.

13 We have been told by other representatives - I don't
14 know what bank you're talking about and maybe you'd like
15 to talk with one of us after - that they are loaning
16 money. We've talked with representatives of Freddie Mac
17 and Fannie Mae and FHA and they have, you know, told us
18 that as long as people understand what they're buying and
19 as long as EPA has its policy towards residential
20 homeowners, as it symbolizes the liability rule, that
21 they don't have a problem with buying those loans.

22 That's what we've been told by those agencies.

23 UNIDENTIFIED SPEAKER: That's not what they tell
24 us.

25 MS. PIRZADEH: So yes, so I guess we'd like to

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20 1 hear and talk to you and see if maybe we could get you
2 some information that you are having a problem with.
3 We'd be happy to try and work with you on it.

4 Are there any other questions for this matter?

5 UNIDENTIFIED SPEAKER: Yeah. I'm just curious
6 about one thing. If you take this dirt and take it
7 someplace else, even if it's not a populated place right
8 now, aren't you giving our problems to someone else?

9 MS. PIRZADEH: Maybe I could ask Piper just to
10 address the kinds of controls and so forth that are a
11 part of the landfill-type that we're proposing, and then
12 we'll get to your question.

13 MS. PETERSON: Currently, as I said, this waste
14 is a state dangerous waste. And so where those soils
15 need to be stored is in a hazardous waste facility which
16 is located in Arlington, Oregon. They have land, they
17 take collection and detection systems. They have covers.
18 They don't allow wind or rain or that type of thing to
19 contact those soils.

20 If the state grants a dangerous waste exemption, the
21 same type of controls are necessary, but there may be not
22 quite as many bells and whistles. Still, all of the
23 controls above and below the cap and the liner, again,
24 the detection and collection system.

25 Something that they're considering in the exemption

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0 1 is that they dedicate one area only for Ruston soils, so
2 that other types of things don't come into contact with
3 them and perhaps mobilize the contamination so that it
4 doesn't become a groundwater problem and, like you said,
5 somebody else's problem.

6 Two, we take the soils in a truck and remove them
7 from a person's yard into a truck. We would require that
8 truck bed be covered. That road -- that truck tires be
9 cleaned. And again, dedicated transportation routes and
10 that type of thing.

11 So those are concerns that we have and we don't want
12 them to become somebody else's problem. And we would be
13 taking it to a place that's designated to take this soil.

14 UNIDENTIFIED SPEAKER: Now, see, if I lived in
15 Arlington and knew that this was going on, I would resent
16 it.

17 MS. PETERSON: Well, that's -- It's gone through
18 the siting process and the communities have had an
19 opportunity to say, yes they do, or no, they don't want
20 these landfills. And where the landfills are located,
21 the communities have accepted the risk and that type of
22 thing that are associated with them.

23 So there are already areas that are designated and
24 sited. We are not creating a new area to the State of
25 Oregon.

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1 MS. PIRZADEH: Yes, Ma'am?

2 UNIDENTIFIED SPEAKER: Since this is a public
3 comment, I --

4 MS. PIRZADEH: Could you speak up just a little
5 bit?

6 UNIDENTIFIED SPEAKER: I would appreciate
7 knowing which of the three banks that he most recently
8 dealt with? Because I, as a homeowner, want to make sure
9 that I don't deal with them. I wouldn't know, except for
10 this meeting.

11 MS. PIRZADEH: Okay. I think you'd have to ask
12 him if he's comfortable with that. And if not, maybe you
13 can --

14 UNIDENTIFIED SPEAKER: Well, one is my bank, is
15 Seattle First.

16 UNIDENTIFIED SPEAKER: That's what I wanted to
17 know.

18 Do you feel comfortable saying the other two?

19 UNIDENTIFIED SPEAKER: No.

20 UNIDENTIFIED SPEAKER: Okay. That's fine.

21 MS. PIRZADEH: Any other questions?

22 UNIDENTIFIED SPEAKER: I'm trying to look at the
23 future. My wife's worked in a job when I married her.

24 MS. PIRZADEH: I'm sorry. I can't hear you.

25 UNIDENTIFIED SPEAKER: For 51 years my wife

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1 worked in a job in the north end. Her first husband
2 worked over at the smelter, then he went out on his own
3 in a machine business. I've been there 19 years.

4 My question to you is, what kind of flack are we
5 going to get from real estate bankers and so forth? Like
6 — some of us old-timers are going to be selling the
7 property and moving into a rest home, I suppose. I hope
8 not, but you never know.

9 What kind of ramification are the people in this area
10 going to get on trying to dispose of their property at a
11 fair price? Or what kind of restrictions are we going to
12 have with moving, by the EPA or whatever is needed, to
13 secure the rights to sell that property at a fair price?

14 MS. PIRZADEH: He has some good information for
15 you.

16 MR. GOLD: Well, one thing that's in the
17 proposed plan is that if we do conduct a cleanup on your
18 property, we'll send you a letter telling you what we've
19 done and the property that the cleanup has been
20 completed. And we believe that you can take that
21 information and use it for purposes of property
22 transactions, and use it as a notice and a deed.

23 UNIDENTIFIED SPEAKER: Beyond a reasonable
24 doubt, that's legal terms. Now, let's get gown to facts.

25 I want to know what is going to be legal now, not

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1 wait until something's done and then somebody gets in a
2 jam out here not selling their properties.

3 What's definite on this? Is there anything definite
4 so far?

5 What's coming from the hierarchy back east to tell
6 —you what is going to be in the law to protect the
7 homeowner, that's trying to abide by the law, to protect
8 his interest as far as selling that property at a fair
9 price?

10 And due to the fact that it's been in a contaminated
11 area, due to the fact that you've given that slip out,
12 that doesn't assure us of anything. As this man here
13 said, the banks are already blowing out on some of these
14 areas and some people are getting hurt unnecessarily, in
15 my opinion. Others may be a question mark. I'm not
16 trying to argue with you here.

17 MR. GOLD: Right. Right.

18 I think the best response I can give you now is how
19 we've addressed the question of who's going to pay for
20 the cleanup costs. And that it was a concern throughout
21 the community that somehow, and in some association with
22 the ownership, could present a hidden danger, a financial
23 liability down the road. Financial liability for the
24 cleanup.

25 Yes. What's coming down to EPA headquarters, we have

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1 two things: One is a policy that says that owners of
2 residential property generally will not liable for
3 cleanup costs. And this applies to people who buy a
4 piece of residential property, even knowing that it's
5 contaminated. Even those people, potential buyers, will
6 not be held liable for the cleanup costs.

7 Also of interest to the banks, who are very much a
8 part of real estate transactions, is that even if they
9 have a security interest in their property, if they have
10 a mortgage and for some reason they have to foreclose on
11 that mortgage, they will not be liable for the cleanup
12 costs.

13 UNIDENTIFIED SPEAKER: I think what I'm trying
14 to say to you is people want security now in these times.
15 And as long as people have everything tied up in their
16 property, they know that eventually they want to sell.
17 And here we're getting this legal turnover all the time,
18 not beyond a reasonable doubt. And I'm trying to clarify
19 that with you, and you with your upper people.

20 People want security now. If you're going to come
21 into a contaminated area, what's going to secure them as
22 far as equality in the law and as far as their property
23 value and their ability to sell without a bunch of legal
24 court cases and all that jazz down the road, and somebody
25 refuses to finance you or whatever?

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1 And I'm not trying to blow this all out of
2 proportion. I'm trying to say, hey, what is the problem
3 out here? And I'm looking at that right now and I'm
4 saying, if a fellow near me says he has an old shack and
5 he wants to fix it up, he got it already -- asked people
6 from the bank for the loan but it hasn't gone through. I
7 know what the problem is, but I didn't say anything to
8 him. That's why I'm here tonight. People around here
9 are concerned.

10 MR. GOLD: I've described our policies on
11 residential properties.

12 EPA will continue to work with the banks, with the
13 real estate appraisers, with the agents, with other
14 lending institutions to try to address property
15 transactions, that they continue at this time to go
16 through.

17 And if you have a specific suggestion on what you
18 think we should do to help this situation, let us know.

19 UNIDENTIFIED SPEAKER: I'd like to see some
20 reports come out in your data that you send out to the
21 people about the status that is involved: what you've
22 done, who you've contacted, whatever you do. I think
23 that would really relieve a lot of people.

24 MS. PIRZADEH: The gentleman up there in the
25 back?

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1 UNIDENTIFIED SPEAKER: If and when the EPA comes
2 in and cleans my property, will it be deemed clean?

3 MS. PIRZADEH: He asked, if and when EPA comes
4 in and cleans his property, will it be deemed as
5 uncontaminated.

6 MR. GOLD: What we plan on doing is after the
7 excavation has taken place, to take confirmation samples
8 so we'll know, at that point, whether or not we've
9 removed the arsenic and lead contamination above our
10 action levels.

11 That's the kind of information we would put in a
12 letter to you.

13 MS. PIRZADEH: Okay. We've got time for a
14 couple more questions. Your hand was raised.

15 UNIDENTIFIED SPEAKER: Being as how EPA came in
16 and said our properties are all contaminated in there,
17 would the EPA also be willing to go into our tax auditors
18 and tax assessors and tell them that we should have, as
19 our famous hilltop area in Tacoma has, a straight
20 across-the-board 25 percent reduction in our property
21 taxes?

22 If we can't refinance our houses, if we can't sell
23 our houses, if we're ultimately responsible for doing
24 something with our investments in our properties, and our
25 taxes continually go up 10, 20 percent per year, but we

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2 1 can't refinance them for that 10, 20 percent per year,
2 you're a federal agency; can you come in and recommend or
3 will you come in and recommend that some type of a
4 percentage is taken off of our property taxes?

5 If we can't refinance them, why should we have to pay
6 the property taxes on them? You brought the stigma on
7 our properties. Will you help us now in the financial
8 problems that you've caused us?

9 MR. GOLD: Over the past year, we've worked very
10 closely with the political leadership of the Town of
11 Ruston, City of Tacoma, and we can discuss that issue
12 with them. To see what their opinion is on, should
13 something be done differently with respect to tax
14 assessments.

15 It's not EPA's responsibility to make that type of
16 determination. We can sit down with representatives who
17 have that authority.

18 UNIDENTIFIED SPEAKER: Do you feel that it
19 should be done?

20 MR. GOLD: I don't think -- Our sense is that
21 EPA's activities have not resulted in a universal decline
22 of property values in Ruston/North Tacoma, so I would not
23 advise a general policy along those lines.

24 MS. PIRZADEH: Sir, one last quick question.

25 UNIDENTIFIED SPEAKER: Will there ever be or how

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are you going to approach the blanket-way public knowledge of the contaminated areas? Is that going to be like a Superfund recorded, and then released as you re-test after the procedure is done on the properties?

MR. GOLD: Piper mentioned a data base about, if we'll be taking more soil samples. We put the information in a data base. And that's our proposal now for storing that type of information.

UNIDENTIFIED SPEAKER: So you will not be (inaudible words) for Superfund cleanup recorded against that area?

MR. GOLD: That's not our plan at this time.

MS. PIRZADEH: Okay. One final question?

UNIDENTIFIED SPEAKER: Well, I was just wondering, I've heard a rumor also that once this is all done and everything is packed, you have to leave the ground the way it is.

Are we not going to be able to roto-till and have our gardens like we always have? I mean, is this going to stir up the dirt again? So if it does, who wants to live that way?

To add to that, if you wanted to plant a tree and the root system goes lower than your ten inches, what happens if it goes into that cap?

MR. GOLD: Okay. To respond to the first

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question, our -- We're going to attempt to get all of the soil above the action levels out of the property. Once we do that, then essentially, the person can use their property for any use, if we have removed all the soil above the action levels.

We have a limit of practicability. What we're saying is that if contamination is below 18 inches, that we're not going to excavate that deep. That we'll put a soil cap -- We'll excavate down to 18 inches, put a soil cap over it, and that we would start to work with you to ensure that if you do any soil activities in the cap, that you don't break through the cap to expose any contaminated soil.

UNIDENTIFIED SPEAKER: What about tree roots, won't the roots break up the cap automatically?

MR. GOLD: Even if roots break through the cap, that won't be a danger to human health.

MS. PIRZADEH: Okay. That's all the time we have, in terms of our formal meeting and presentation. I'd like to thank you all for coming and staying throughout the meeting and thank you very much for your comments.

Again, I'd encourage you to make sure you're on the mailing list by signing up on the sign-in sheet out front and you can look for -- the comment period is still open

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1 until October the 17th.

2 We'll be here for a few minutes afterwards if anyone
3 has individual questions they'd like to ask us. And
4 again, thank you all for coming.

5
6 PUBLIC HEARING MEETING CONCLUDED: 9:00 p.m.
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C-E-R-T-I-F-I-C-A-T-E

STATE OF WASHINGTON)
COUNTY OF PIERCE) ss.

I, PAMELA J. FRANZ, a duly authorized Notary Public in and for the State of Washington, do hereby certify that the preceeding meeting was recorded in shorthand and later reduced to typewriting; that the above and foregoing is a true and correct transcript of the meeting given.

I do further certify that I am not a relative of, employee of, or counsel for either of said parties or otherwise interested in the event of said proceedings.

I HAVE HEREUNTO set my hand and affixed by official seal this 28th day of October, 1992.

PAMELA J. FRANZ, Notary Public in
and for the State of Washington,
residing at Tacoma.
CSR #:FRANZ*PJ085P8

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